

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8264 OF 2017

Nirmla Dullabh Ahire

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Ms. Surekha P. Mahajan, Advocate for the Petitioner.

Shri N. T. Bhagat, A.G.P. for Respondent Nos. 1 and 2.

Shri Ashwin V. Hon, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 28TH JUNE, 2018.

FINAL ORDER :

. Miss Mahajan, the learned advocate for the petitioner submits that, the petitioner was appointed as a part time teacher on 07.07.1996 and continued on the said post till 31st December, 1996. The petitioner thereafter was appointed on full time post on 01.01.1997 and was functioning till 31st August, 2016. The petitioner submitted notice of voluntary retirement, which was accepted. According to the learned counsel, the office of the Accountant General has directed the Education Officer to submit the entire pension papers with the deficiencies as detailed in the said order. The management be directed to forward the proposal by curing all the deficiencies.

2. It appears that, the service of the petitioner as a part time teacher was approved. The learned counsel for the institution also accepts the said position.

3. In view of the fact that, the services of the petitioner as a part time teacher for the period from 07.07.1996 to 31.12.1996 were approved, the said period shall be counted as half for the purpose of computing the pensionable service.

4. The institution shall resubmit the proposal for pensionary benefits of the petitioner, treating the period from 07.07.1996 to 31.12.1996 as half for pension purpose. The respondents shall also take decision with regard to the benefit to be given to the petitioner by condoning the short fall in computing the qualifying service. If the part time service is counted and the said period is treated as half, the petitioner has put in nineteen years and eleven months service, the qualifying service of the petitioner is short by 34 days. The respondents shall also take decision with regard to the said period. The management shall forward the said proposal within a period of six (06) weeks from today.

5. The writ petition accordingly is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 18