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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13409 OF 2017

The Secretary, Medical
Education & Drugs Deptt.

And others

...Petitioners

vs.

Dr.Shrikant Suresh Chandekar

...Respondent

Mr.N.K.Rajpurohit, AGP for the Petitioners

Mr.Sanjay Kshirsagar for the respondent

CORAM : A.S.OKA, &

SANDEEP K. SHINDE, JJ.

DATE : NOVEMBER 29, 2018

P.C.:

1 The learned counsel for the respondent, after perusing paragraph 26 of the impugned order dated 15th September 2015 states that in fact prayers (a) to(c) of the Original Application were given up by the respondents. He states that only prayer (d) has been granted under the impugned order and not any other prayers in the Original Application. Prayer (d) is for directing payment of pension, gratuity and other pensionary benefits. The Tribunal while dealing with prayer (d) has relied upon Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982.

2 Heard the learned counsel for the parties. We find no error in the impugned order by which prayer

(d) was granted. As per Rule 30 of the said Rules of 1982, qualifying service for the pension is to be computed from the date the Government Servant takes charge of the post either substantially or in officiating or temporary capacity provided at the time of retirement, he shall hold a permanent post in the Government service. The Tribunal has specifically recorded in paragraph 24 of the Judgment, a concession of petitioners that the respondent was holding a permanent post. That is the reason why Rule 30 of the said Rules of 1982 has been invoked by the Tribunal for holding that the petitioner was entitled to pensionary benefits. There is no reason to interfere with the impugned order. Writ petition is rejected.

3 We, however, record a statement of the learned counsel for the respondent that by the impugned order, only prayer clause (d) of the Original Application has been granted.

(SANDEEP K.SHINDE,J.)

(A.S.OKA,J.)