

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO. 770/2018 IN WRIT PETITION NO. 2148/2017 (D)

(VASANT MOTIRAMJI UMARKAR **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.I. Sheikh, counsel for the applicant.
 Shri A.S. Fulzele, Additional G.P. for the R-1 to 3.
 Shri R.D. Bhuihar, counsel for the R-4.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : APRIL 06, 2018.

By this civil application, the applicant seeks the correction of the typographical error in the order dated 23.03.2018.

It is stated on behalf of the applicant that since it was submitted before this Court that the issue involved in this case was similar to the issue involved in Writ Petition No.2344 of 2017 decided on 31.01.2018 similar order should be passed in this writ petition, we had passed an identical order like the order dated 31.01.2018 in Writ Petition No.2344 of 2017. It is stated that some facts in Writ Petition No.2344 of 2017 were peculiar as the petitioner in that case was working in a private school and some of his services were part time services. It is stated that the said part of the order would not apply to the applicant in this case. It is stated that since the petitioner in this case had attained the age of superannuation in the year 2006, the first line in paragraph 2 of the order dated 23.03.2018 may be corrected. It is further stated that in the third paragraph of the order, one sentence needs to be deleted. It is stated that a part of one of the sentences in paragraph 4 also needs to be deleted.

Hence, we pass the following order:-

The first line in paragraph 2 of the order dated 23.03.2018 should be substituted thus:-

“It is the case of the petitioner that though the petitioner retired after attaining the age of superannuation in the year 2006, the pension of the petitioner was not fixed till the year 2015 as the respondents were not ready to grant the benefits of the government resolution to the petitioner since he had retired in 2006.”

The following sentence in the second paragraph of the order should be deleted.

“It is submitted that the teachers of the private schools are also entitled to the pensionary benefits and the petitioner in the instant writ petition has started receiving the same from 2015 with effect from 2007 i.e. from his retirement.”

The following sentence in the fourth paragraph of the order should also be deleted.

“If the cut-off date prescribed in the government resolution dated 30.10.2009, is declared as unconstitutional, we fail to fathom as to how the said cut-off date could be made applicable while granting pensionary benefits to the petitioner in this case merely because the petitioner is an employee of a private school.”

In the appearance column, the appearance of learned Additional Government Pleader Shri A.S. Fulzele should be shown for the respondent nos.1 to 3 and the appearance of learned counsel Shri R.D. Bhuibhar should be shown for the respondent no.4.

The civil application is allowed and disposed of.

JUDGE

JUDGE