

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6001/2016.

Balasaheb Shankarrao Bhore.

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND A.D. UPADHYE, JJ.

DATE : APRIL 04, 2018.

Heard Ms. S. Dashputre, learned Counsel
for the petitioner, Ms. A.R. Kulkarni, learned A.G.P. for
respondent nos. 1 to 3, Shri P.D. Meghe, learned
Counsel for respondent no.4, Shri P.B. Patil, learned
counsel for respondent no.8.

2. Writ Petition is already dismissed as
against respondent no.7 Institute on 05.04.2017.
Respondent no.6 School has been deleted on
06.02.2017. It appears that respondent no.6 School
was again added as respondent no.9 also, it has been

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deleted on 06.02.2017.

3. Petitioner has approached this Court with a grievance that his retirement/terminal benefits are not released by respondents. He claims that he started working with respondent no.6/9 School from 16.06.1986, and worked till 31.03.2012. By order dated 06.02.2013, passed by respondent no.2, registration of respondent no.6/9 was canceled, retrospectively from 01.04.2012.

4. Thereafter, in due course petitioner has been absorbed in respondent no.8 School. He joined in that school on 27.12.2014 and as he had already completed 58 years of age on 18.12.2014, retired at the end of the month i.e. on 31.12.2014. He was asked to join in that school as per letter dated 27.12.2014 and therefore, he is entitled to pension and other terminal benefits.

5. Shri Meghe, learned counsel submits that respondent no.6 and 9 was under Zilla Parishad, Wardha but, later school i.e school of respondent no.8 is now under Zilla Parishad, Yavatmal. He submits that therefore, claim towards pension and other

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benefits will be required to be shouldered by respondent no.5 Zilla Parishad, Yavatmal.

6. None has appeared for that respondent Zilla Parishad, Yavatmal.

7. Shri Patil, learned counsel for respondent no.8 does not dispute the fact of joining on 27.12.2014 and superannuation of petitioner on 31.12.2014. He submits that proposal in relation to benefits payable to petitioner shall be drawn by respondent no.8 as per law, and will be forwarded to the Competent Authority.

8. Learned A.G.P. submits that there is no challenge to order dated 06.02.2013, and petitioner has not worked from 01.04.2012 till 27.12.2014.

9. We find that none of the respondents have filed any reply in the matter, though this Court has issued notice on 14.10.2016.

10. Relevant aspects like possibility of break in service or then absence of break and therefore, entitlement to salary during said period or otherwise can be looked into by the competent authority after it receives proposal from respondent no.8. Hence,

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without recording any finding on various issues, we direct respondent no.8 to prepare appropriate proposal and to submit it to respondent no.5 within a period of 6 weeks from today. After receipt of such proposal, respondent no.5 shall process it further as per law within next 8 weeks.

11. If any payments are found due and payable to the petitioner, the same shall be released in next 8 weeks.

12. With liberty to petitioner to approach again if grievance is not redressed or any other cause of action arise, we dispose of the present petition. No costs.

JUDGE

JUDGE

Rgd.