

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

38 WRIT PETITION NO.6983 OF 2019

**RAJPAL CHANDRANATH BADADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioners : Irpatgire A.N.
AGP for Respondents: K.N.Lokhande
Adv.S.S.Manale for R.4 and 5.**

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 08/08/2019

PER COURT :

The petitioner was in employment with respondent no.4 since 1975. The petitioner was dismissed from service on 22/7/1987. The petitioner challenged the said order of dismissal before the College and University Tribunal. Appeal filed by the petitioner was dismissed in the year 1990. The petitioner filed Writ Petition before this Court bearing Writ Petition No.1350/1993. During the pendency of the Writ Petition, the management converted the punishment of dismissal into simplicitor removal from service. The learned Single Judge of this Court under order dated 10/2/2017 in Writ Petition No.1350/1993 observed that the petitioner is entitled to the retiral benefits considering that he is not dismissed from service and was simply removed from service. The management was directed to forward the proposal of the petitioner for retiral benefits.

2] The respondents have sanctioned retiral benefits/pension to the

petitioner. However, the pension is made payable to the petitioner from February 2017.

3] According to the petitioner, petitioner would be entitled to the pension from 22/7/1987. According to the learned AGP as there is a huge break in service, the petitioner is not entitled for the pension from 1987 onwards. The petitioner is paid pension from the date of order of the learned Single Judge of this Court. The same is legal and valid.

4] The petitioner was litigating before various forums and subsequently the order dismissing him from service is converted into removal from service. Naturally the date of removal would be considered as 22/7/1987.

5] The petitioner would be entitled for pension on and after 22/7/1987. It is also not the case of any delay as since the date petitioner was dismissed from service, the petitioner was agitating his right before College Tribunal and thereafter before this Court.

6] The petitioner has served till 1987. Considering his service till July 1987, the petitioner would be entitled for the pension from 22/7/1987. The respondents shall pay the pension to the petitioner from 1/8/1987. The petitioner is paid regular pension from 22/8/2017. The arrears shall be paid to the petitioner preferably within 6 months.

7] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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