

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
48 WRIT PETITION NO.9140 OF 2018**

VASANT NAMDEO GORE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sanjay A. Wakure, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVALA, JJ.**

**DATED : 25<sup>th</sup> MARCH, 2019.**

**PER COURT:-**

1. The directions are sought against respondent nos.2 and 3 to complete the procedure of granting pensionary benefits. The petitioner has attained the age of superannuation on 30.09.2010.

2. The petitioner it appears was terminated from service on 07.07.2007. The petitioner filed an appeal before the School Tribunal. The appeal came to be allowed. The petitioner was granted full back wages and all other consequential benefits. The order was challenged before this Court. The learned Single Judge of this Court remitted the matter back to the School Tribunal. In the appeal before the School Tribunal the parties arrived at the compromise. The petitioner was granted continuity in service.

3. It is also submitted that the petitioner has received the payment till the date of

superannuation.

4. Mr. Pulkundwar, learned A.G.P. submits that the proposal is pending with the Government for condonation of break of the period the parties were litigating.

5. There is no question of condonation of period of litigation. It is not a case of a condonation of break in service. The petitioner was issued with the order of full back wages and all consequential benefits in the year 2012, though the petitioner stood retired on attaining the age of superannuation on 30.09.2010. Subsequently compromise arrived at between the parties and petitioner was given continuity in service also.

6. In light of the above, it is not necessary that proposal be sent to the Government for condonation of the period the parties were litigating.

7. The respondents shall complete the procedure with regard to the retiral benefits of petitioner in accordance with law within a period of three (03) months from today.

8. Writ Petition is disposed of. No costs.

**(A. M. DHAVALÉ)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**