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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11027 OF 2014

Shri Lalasaheb Nanasaheb Thorat

.. Petitioner

Vs.

State of Maharashtra and Ors.

.. Respondents

None for the petitioner.

Mr. K. S. Thorat, AGP for respondent Nos.1 to 4.

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

JULY 09, 2019.

P.C.

1. Notwithstanding there being no representation from the side of the Petitioner, we find that in Writ Petition No. 2478 of 2012 filed by the Petitioner, which was disposed of on 10.01.2013, a direction was issued to consider Petitioner's case for grant of compassionate pension. The grievance of the Writ Petitioner is that his entitlement has not been considered taking

note of the relevant Rule governing compassionate pension. The order impugned shows that the authority concerned has misdirected itself in as much as Petitioner's case for compassionate pension has been rejected on the ground that having resigned from service, he is not admissible to grant of any pension.

2. Suffice it to state resignation, removal from service and termination from service entail forfeiture of service but, compassionate pension is payable if the government servant who resigns or is removed from service establishes a case deserving of special consideration.

3. Thus, we dispose of the petition directing the 3rd Respondent to reconsider Petitioner's entitlement for grant of compassionate pension as per Rules applicable to employees of Private Schools. Decision would be taken within six months from today and shall be enforced.

N. M. JAMDAR, J.

CHIEF JUSTICE