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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5115 OF 2015

Vasana Panchacroshi Shikshan Sanstha	..Petitioner
Vs.	
Shashikala Jadhav and ors.	..Respondents

Mr. Mandar Limaye for petitioner.
Mr. M. M. Pabale, AGP for State.

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

JULY 02, 2019.

P.C.

1. The petitioner is a Public Charitable Trust and had established a school in Taluka – Koregaon, District – Satara. The petitioner had given employment to persons in the teaching and non-teaching cadre at its school. A proposal had been submitted to the Education Department, State of Maharashtra to grant approval to the appointments. The appointments were made on different dates in the year 1985 and 1986. On account of dispute between persons claiming to be the management of the petitioner, the proposal to the Education Department was not pursued by the

management and when the school open after summer vacation in the year 1988, the employees were prevented from discharging the duties. It appears that the school is closed.

2. The employee filed a Writ Petitions in this court, which included present petitioner as respondent No.1. Number assigned to the Writ Petition was Writ Petition No. 3903 of 1988.

3. The said Writ Petition was disposed of by a Division Bench of this Court on 7 November 1989. Noting the appointments made by the petitioner; the dispute pertaining to the management of the petitioner and non-prosecution of the approval sought from the Education Department, the Division Bench held that reinstatement could not be ordered because the State Government had not granted approval to the appointments but directed that those who had served but were not paid wages, being not a case of gratuitous service, should be paid wages.

4. The facts get hazy here. The first respondent attained the age of superannuation and claimed terminal benefits. She wrote to the concerned officer in the Education Department, who sent the impugned communication to the petitioner on 24 September 2014 directing the petitioner to forward papers

concerning the first respondent so that her claim for sanction and disbursement of pension should be processed.

5. The petitioner has filed the present writ petition pleading that the first respondent worked only for three years and pensionable service not being rendered, the question of disbursing any pension to her does not arise.

6. It is not in dispute that if at all pension is sanctioned, the same shall be borne by the State Government of Maharashtra. Thus, the petitioner cannot have any grievance to the impugned order directing the petitioner to forward the necessary papers to the Education Department. The petitioner has to submit the papers to the Education Department and it is for the Education Department to see whether the respondent no.1 has rendered pensionable service entitling her to pension. Needless to state that if pension is held payable, the same has to be borne by the State of Maharashtra.

7. Thus, the petition is disposed of directing the petitioner to forward the papers concerning consideration of the first respondent's entitlement to the pension. The appropriate authority would proceed to consider whether the first respondent

has rendered pensionable service and if found that pensionable service has been rendered, pension would be sanctioned but would be borne by the State of Maharashtra.

8. Compliance would be made within six weeks.

N. M. JAMDAR, J.

CHIEF JUSTICE