

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.854 OF 2015**

Miss. G. S. Vijayalakshmi

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Ms. Asmita C. Pendharkar I/by Mr. Rahul Walia, Advocate for the Petitioner.

Mr. M. M. Pabale, AGP for the Respondent No.1 – State.

Mr. S. D. Shinde, Advocate for Respondent Nos.2 to 4.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 27th JUNE, 2019

P.C.

1] Having been granted voluntary retirement on 24.10.1997 while working as a teacher under the 5th Respondent school which was being disbursed grant-in-aid, the Petitioner finds herself entangled in the procedures of law concerning terminal benefits payable to her.

2] It is not in dispute that the Principal Accountant General (Respondent No.6) has to sanction the terminal benefits. The problem arises as to through which channel papers have to reach Respondent No.6.

3] Learned counsel for the Petitioner is unable to throw any light on the channel through which the papers have to reach Respondent No.6. But one thing is clear, it is the 5th Respondent

which has to initiate the flow of the water in the channel i.e. prepare the documents and obtain the Petitioner's signatures thereon and ensure that the documents ultimately reach Respondent No.6. Whether it is the Education Officer, Kalyan Dombivli Municipal Corporation or the Administrative Officer of the Corporation or whether it is the Zilla Parishad through whom the documents have to pass is not clear.

4] Procedures of the law are intended to serve purpose of the substantive law.

5] Thus, we direct the 5th Respondent to prepare the papers required for disbursement of terminal dues of the Petitioner and submit the same directly to the 6th Respondent. It is for the said Respondent to then decide which officer of the Education Department has to authenticate. The 6th Respondent would ensure papers are forwarded to such officers of the Education Department who needs to cross check the same and ensure that thereafter documents are returned to the 6th Respondent.

6] One thing is clear. It is not in dispute that the Petitioner is entitled to the terminal benefits.

7] Thus, the Petition is disposed of directing 5th Respondent to prepare the necessary documents and submit the same to the 6th Respondent who shall do the needful as directed herein-above.

Compliance shall be made within twelve weeks. Terminal benefits together with arrears shall be disbursed to the Petitioner within six further weeks.

N. M. JAMDAR, J

CHIEF JUSTICE