

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12126 OF 2013

Ishwarkatti Shivpad Hanmant Since deceased through legal heirs Prabhavati Shivpad Ishwarkatti and Ors.	...	Petitioners
versus		
The Deputy Director of Education, Pune Region, Pune and Ors.	...	Respondents

Mr.I.M.Khairdi for the petitioners.

Mr.Manish Pable-AGP for Respondent
Nos.1 to 3 (State).

Mr.V.S.Deokar for respondent No.4.

**CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.**

DATE :- JANUARY 9, 2020

P.C. :-

1. Having heard both sides we find that the main relief sought by the deceased petitioner cannot be granted. Thus, after his death, there is no question of placing him back or putting him back in the services of the Management.

2. However, the heirs and legal representatives of the deceased petitioner are contending on the footing that the deceased petitioner was an employee, though not entitled to pensionary benefits, was always entitled to the sums deducted by

the Management from his monthly salary as his contribution and matching contribution, which has been made by the Management. The question of granting pensionary benefit may not arise, but these sums would certainly have to be paid and disbursed and can be collected even by the heirs.

3. For this limited aspect, both sides agree to appear before the Education Officer (Secondary), Zilla Parishad Solapur on 27th January, 2020 at 10.30 a.m. with all original records and documents in their possession.

4. The Education Officer shall give an opportunity to the petitioners/ the heirs and legal representatives of the teacher and the fourth and fifth respondent-Management. After perusing these records, he shall make an appropriate order. Mr.Deokar, on instructions, says that if this amount is lying with the Management, the Management is not averse to paying it to the heirs and legal representatives of the deceased teacher.

5. The writ petition is disposed of with the above directions. There will be no order as to costs.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)