

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.8455 OF 2018

Govind Sampat Jadhav, Varangaon, Bhusaval, Dist. Jalgaon

-vs-

The State of Maharashtra, Thr. Its Secretary, Social Justice and Special Assistance Department,
Mantralaya, Mumbai 400 032 and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. A. Kothale, Advocate for petitioner.

Ms Tajwar Khan, Assistant Government Pleader for respondent Nos.1
to 6 and 10.

Shri P. S. Patil, Advocate for respondent No.7.

CORAM : A. S. CHANDURKAR AND VINAY JOSHI, JJ.

DATE : FEBRUARY 10, 2020

Rule. Heard finally considering the short issue involved.

The petitioner was appointed as a Helper on 01.07.1985 in the school which was being run by respondent No.8-Society. His services were thereafter transferred to the Ashram School conducted by respondent No.6. On 01.05.2001 the Ashram School where the petitioner was serving came to be de-recognised. The petitioner retired on attaining the age of superannuation. On 31.12.2013 his pension papers were returned on the ground that the break in service for a period of three years nine months and twenty three days had not been condoned.

After hearing the learned counsel for the parties it is seen that another similarly placed employee had filed Writ Petition No.4952/2009 seeking such break in service be

condoned. By judgment dated 22.11.2010 this Court observed that since the break in service was on account of de-recognition of the school which cause was beyond the control of the petitioner, the period of break in service was liable to be condoned. On perusing the representation dated 29.08.2003/14.10.2003 issued on behalf of the petitioner as well as the prayers in Writ Petition No.4952/2009 we find that the case of the petitioner is similar to that of the petitioner in Writ Petition No.4952/2009.

Hence for reasons recorded in the aforesaid judgment the period of break in service of three years nine months and twenty three days as referred to in the communication dated 22.02.2016 stands condoned. The respondent Nos.6 and 10 shall take all necessary steps consequentially to enable the petitioner to receive his pensionary benefits as a result of break in service being condoned. Such steps be taken within period of three months from today.

The writ petition is allowed and disposed of with no order as to costs.

JUDGE

JUDGE