

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

CIVIL APPLICATION (CAW) NO.3227/2018 IN WRIT PETITION NO.5087/2014

Gondwan Shikshan Prasarak Mandal, through its President Ravindra
Bhagwantrao Khanke and another

...Versus...

Ku. Nanda daughter of Shaderao Munshettiwar and others

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

Court's or Judge's orders

Shri M.P. Khajanchi, Counsel for petitioners
Shri A.D. Mohgaonkar, Counsel for respondent no.1/applicant
Mrs. Geeta Tiwari, AGP for respondent nos.2 and 3

CORAM : AVINASH G. GHAROTE, J.
DATE : 03/03/2020

1. By this application, the respondent no.1/applicant seeks a direction against the respondent no.2 to pay amount of back wages, in view of superannuation and also to release the pension and pensionary benefits. Insofar as the question of back wages is concerned, the direction would flow against the petitioners, and in light of the order dated 29/9/2015, would be subject to the result of the present petition.
2. Insofar as the issue of pension and pensionary benefits is concerned, it is an admitted position on record that the respondent no.1 has retired. Learned Counsel for the petitioners, in reply to the civil application, has stated that the relevant papers for release of the pension and pensionary benefits have been forwarded to the respondent no.2.

3. Shri Mohgaonkar, learned Counsel for the respondent no.1, however, draws my attention to the communication dated 07/01/2020, issued by the Senior Accounts Officer to the Education Officer (Secondary), the respondent no.2 to draw provisional pension, from 01/01/2019 till finalization of departmental/judicial enquiry. The communication defies logic. When it is an admitted position that the issue pending in the present petition is restricted to grant of back wages alone, the question of drawing of any provisional pension, subject to the pendency of these proceedings, does not arise. In fact, the management in its reply to the civil application has made a categorical statement that the relevant papers for release of pension have already been forwarded, in light of which, the regular pension, payable to the respondent no.1, ought to have been calculated and released.

4. In that light of the matter, the civil application is partly allowed. The respondent no.2, is directed to process the pension papers for grant of regular pension as well as gratuity payable to the respondent no.1 and to ensure that the proceedings are completed as early as possible.

The civil application is accordingly disposed of. No order as to costs.

JUDGE