

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6816 OF 2020

**SHIVAJI HULLAPA APTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Shri Kedar Balbhim R.
AGP for Respondents 1 to 3 : Shri S.R. Yadav Lonikar
Advocate for Respondents 4 to 6 : Shri R.D.Biradar

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**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 17th August, 2021

Per Court :-

1. We have briefly heard the learned advocate for the petitioner, the learned AGP on behalf of respondent Nos.1 to 3 and the learned advocate on behalf of respondent Nos.4, 5 and 6.
2. Pursuant to our orders dated 16.12.2020 and 22.01.2021, the deficiencies in the pension papers of the petitioner have been cured. As there was no proper pay fixation, provisional pension is being paid to the petitioner.
3. Considering the above, we find it appropriate to

direct respondent No.2/ Education Officer (Secondary), Zilla Parishad, Latur, to consider the relevant service papers of the petitioner and by directing the Management to produce the papers within a particular time frame, the Education Officer (Secondary) shall proceed to carryout pay fixation of the petitioner.

4. In view of the above, this Writ Petition is disposed off with the following directions :-

- (a) Respondent Nos.4, 5 and 6 shall submit the relevant documents required for pay fixation of the petitioner, to respondent No.2/ Education Officer, if not already submitted, on or before 30.09.2021.
- (b) If the above documents are already available with respondent No.2 or if he receives the same as per the above directions, an opportunity of hearing would be granted to the petitioner as well as respondent Nos.4 and 6, with regard to his pay fixation, prior to 15.10.2021.
- (c) After the hearing is completed, respondent No.2 shall decide the pay scale applicable to the petitioner prior to 31.10.2021. If the petitioner is aggrieved by

the same, he is at liberty to take recourse to the remedy as may be permissible in law.

- (d) After the pay fixation is done, respondent No.2 shall forward the concerned pension papers to respondent No.3 for finalizing regular pension to be paid to the petitioner, as expeditiously as possible and in any case, prior to 15.11.2021.
- (e) Respondent No.3 shall take a decision with regard to the final pension to be paid to the petitioner, prior to 30.11.2021 and accordingly, ensure that the arrears of pension and regular pension are paid to the petitioner as expeditiously as possible and prior to 31.12.2021.
- (f) Once such pay fixation is done, respondent No.4/ Management shall, simultaneously calculate the gratuity amount, leave encashment and all such monetary benefits that were dependent on fixation of the pay scale of the petitioner and ensure that such payments are released and paid to the petitioner prior to 30.11.2021.
- (g) Insofar as the interest on the outstanding retiral

benefits and pension amount under Rule 129(a) and (b) of the Maharashtra Civil Services (Pension) Rules, 1982, respondent No.2/ Education Officer shall make such calculations and pass an appropriate order for ensuring payment of interest to the petitioner.

kps (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)