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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2545 OF 2021

Arun A.Prabhudesai	...Petitioner
V/s.	
State of Maharashtra & Ors.	...Respondents

Mr.V.S. Talkute for the Petitioner.

Mrs.P.J. Gavhane, AGP for the State – Respondent Nos.1 and 2.

Mr.Rajendra Anbhule for the Respondent No.3.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.
DATE : 14TH JULY, 2021.
(THROUGH VIDEO CONFERENCE)

P.C. :-

1. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks order and direction against the respondent nos.1 and 2 to grant pension to the petitioner as expeditiously as possible and further direction to pay to the petitioner interest at the rate of 12% p.a. on the delayed payment of pension from the date of retirement of the petitioner till realization along with arrears.

2. This Court on 9th July, 2021 had recorded that the learned AGP for respondent nos.1 and 2 State seeks time to consider the

judgments annexed at pages 36 to 59 of the petition and to make a statement before this Court whether the issue involved in this petition is concluded in favour of the petitioner by these judgments or not. Today learned AGP appearing for the respondent nos.1 and 2 makes a statement on instruction that the issue arising in this petition is concluded in favour of the petitioner by the judgments annexed at pages 36 to 59 to the petition . Statement is accepted.

3. The judgments in Writ Petition Nos.6168 of 2012, 8830 of 2015, 1175 of 2018, 5068 of 2018 and other companion matters and Writ Petition No.8830 of 2015 along with other companion matters are on record of this petition.

4. We have also considered the order dated 25th February, 2021 passed by the Division Bench of this Court in Writ Petition No.2482 of 2020 Mrs.Kunda Prakash Ranade vs. State of Maharashtra through its Secretary Higher & Technical Education Department & Ors. along with other companion matters wherein this Court has considered the various Division Bench decisions of this Court which are referred to above and observed that that the objections regarding over age at the time of appointment could not be sustained for denying pension to the respective employees. It was further observed that the AGP for the State is unable to point out any distinguishing feature in the facts of that matter from the facts of

these other cases.

5. In view of the said decisions referred to above, we observe that the petitioner's pension has been delayed due to no fault of theirs and despite the law laid down by this Court in the above referred cases. We direct the respondent no.3 Educational Institution to forthwith comply with all the formalities relating to release of the pension dues of the petitioner. The respondent no.3 Educational Institution shall submit the requisite papers if not already submitted to the respondent State for releasing the pension dues. The respondent no.3 Educational Institution shall offer all possible assistance for completing the formalities.

6. Since the petitioner's pension has been delayed due to no fault of theirs inspite the law laid down by this Court in the above referred cases, the respondent nos.1 and 2 are directed to pay the petitioner pension dues with interest at the rate of 8% p.a. on the delayed payment of pension from the date of respective due dates and until payment. We direct the respondent nos.1 and 2 State to pass appropriate orders and release the pension dues as expeditiously as possible and in any event within a period of six weeks from the date of receipt of the papers from the respondent nos.3 Educational Institution. If necessary documents are already submitted, then the respondent nos.1 and 2 State shall pass

appropriate orders and release the pension dues within six weeks from today. In case the the petitioner's dues are not released within the above stated period, the pension dues shall carry interest at the rate of 12% p.a. from the expiry of the above stated period and until payment.

7. The petition is accordingly disposed of in above terms. There shall be no order as to costs.

8. All parties to act on the authenticated copy of this order duly authenticated by the Sheristedar of this Court.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)