

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10077 OF 2019

KANCHAN
VINOD
MAYEKAR

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KANCHAN VINOD
MAYEKAR
Date: 2021.12.01
17:44:15 +0530

Madhav Rajaram Gavai

..... Petitioner

VERSUS

**The Joint Director of Higher Education,
Mumbai Region, Mumbai & Ors.**

..... Respondents

Mr.S.G.Kudle for the Petitioner.

Mrs. P.J.Gavhane, A.G.P. for the State – Respondent nos. 1 and 2.

Mr.S.S.Kalbhor, i/b. Mr.R.A.Rodrigues for the Respondent no.3.

Mr.Graham Francis, i/b. Mr.V.S.Talkute for the Respondent nos. 4 and 5.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 30th NOVEMBER, 2021

P.C:-

Mr.Kudle, learned counsel for the petitioner seeks leave to delete the name of the respondent no.3 from the cause title of the petitioner. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Mrs.Gavhane, learned A.G.P. waives service for the respondent nos. 1 and 2. Learned counsel waives service for the

respondent nos. 4 and 5. By consent of parties, writ petition is heard finally.

3. By this petition, the petitioner seeks order and direction against the respondent nos. 4 and 5 to prepare the pension papers and seek further directions against the respondent nos. 1 and 2 to release petitioner's retirement benefit including gratuity, provident fund amount w.e.f. 13th February, 2007 onwards and for other reliefs.

4. Learned counsel for the petitioner on instruction states that the service book of the petitioner which is at present with the petitioner would be submitted to the respondent nos. 4 and 5 within one week from today. Statement is accepted.

5. Learned counsel for the respondent nos. 4 and 5 states that within two weeks from the date of receipt of the service book from the petitioner, the respondent nos. 4 and 5 would submit the pension papers of the petitioner to the respondent nos. 1 and 2 for processing the said proposal and for payment. Statement is accepted.

6. The respondent nos. 1 and 2 are directed to consider the said

pension papers and shall pass an appropriate order on the said proposal within six weeks from the date of receipt of the pension papers in accordance with law. The amount, if any, is due and payable to the petitioner, shall be released within four weeks from the date of passing of such order. The order that would be passed by the respondent nos. 1 and 2 shall be communicated to the petitioner as well as management within one week from the date of passing of the said order. If the order that would be passed by the respondent nos. 1 and 2 is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings. If the order is in favour of the petitioner, the amount shall be released within the time as directed in this order.

7. Writ petition is allowed in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

8. The parties to act on the authenticated copy of this order.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]