

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

WRIT PETITION NO. 1713/2021

Dr. Subhash Gulabrao Khandare, Sawangi Meghe, Post Wardhaganj, Tq. & Dist. Wardha.

Vs.

1. Sant Gadge Baba Amravati University, through its Registrar, Amravati
2. Joint Director of Higher Education, Amravati Division, Amravati. Near Old VMV Premises, Amravati.
3. Orchids Education Society, through its Secretary, At Post Nakthana Gujar, Tq. Ralegaon Dist. Yavatmal.
4. Principal, Arts and Commerce College, Ralegaon, Tq. Ralegaon District Yavatmal.

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

Court's or Judge's order

Shri S.S. Shingane, Advocate for petitioner.
 Mrs. S.S. Jachak, Assistant Government Pleader for respondent no. 2.
 Shri J.Y. Ghurde, Advocate for respondent nos. 3 and 4.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATED : OCTOBER 06, 2021

Considering the short issue involved in the writ petition, it is heard finally by issuing **Rule** and making it returnable forthwith.

The services of the petitioner as 'Principal' at the respondent no.4 college came to be terminated pursuant to holding a departmental enquiry. The order of dismissal was challenged by the petitioner by filing an appeal before the University and College Tribunal which appeal came to be dismissed on 24.07.2019. Writ Petition No.5999/2019 filed by the petitioner challenging the order passed by the University and College Tribunal is stated to be pending.

In the meanwhile as the petitioner attained the age of superannuation on 05.07.2019, he made a representation to the respondent nos. 3 and 4 seeking the relief of provisional pension. The respondent nos. 3 and 4 forwarded the proposal to the Joint Director, Higher Education, Amravati Division, Amravati.

The Joint Director, Higher Education has now filed affidavit stating therein that in view of the provisions of Rule 45 of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, 'the Rules of 1982') since the past service of a dismissed government servant stands forfeited, the petitioner would not be entitled to pensionary benefits.

The learned counsel for the petitioner however submits that in view of Rules 100 and 101 of the Rules of 1982 the petitioner would be entitled to compassionate pension.

It is not necessary for the Court at this stage to adjudicate upon the entitlement of the petitioner in that regard. The interests of justice would be served by permitting the petitioner to make a fresh representation for the relief of compassionate pension as contended by the learned counsel for the petitioner. If such representation is made within a period of 15 days from today, the same shall be considered by the Joint Director, Higher Education, Amravati Division, Amravati within further period of three weeks from the receipt of the said representation. The entitlement of the petitioner be considered in accordance with law.

With these directions, the writ petition is disposed of. Rule stands disposed in aforesaid terms. No costs.

JUDGE

JUDGE