

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

**WRIT PETITION NO. 2431 OF 2021**

Shri Khushal Ganpat Gajbhiye,  
..VS..

Accountant General, (A & E-II), Maharashtra State, Civil Lines, Nagpur and Ors.,

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

Shri P. N. Shende, Advocate for petitioner.  
Shri A. S. Fulzele, Addl.G.P. for respondent Nos.1 & 2.

**CORAM : SUNIL B. SHUKRE AND**  
**ANIL S. KILOR, JJ.**

**DATED : 12.08.2021**

Heard Shri Shende, learned counsel for the petitioner and Shri Fulzele, learned Addl.G.P. for respondent Nos.1 & 2.

2. It is not in dispute that the judgment and order dated 30.11.2009, delivered in Appeal No.STC/73/2003 by the School Tribunal, Nagpur directing the school to reinstate the petitioner on the post of P.T.I., if there was available any vacancy in the school, could not be implemented in its letter and spirit on account of non-availability of the vacancy and in the mean time, the petitioner attained age of superannuation and thus, had attained notional retirement.

3. Now, the question is whether the petitioner is entitled to receive the pensionary benefits or not.

4. According to the learned counsel for the petitioner, the petitioner is at least entitled to receive pensionary benefits by taking into account his previous service of 13 years, which he rendered up to 27.11.2003 and that the minimum required service for grant of pension under Rule 30 of the Maharashtra Civil Services (Pension) Rules is of 10 years. Learned counsel for the petitioner submits that the petitioner had also made a representation to the Education Officer for grant of such pension but to no avail.

5. Shri Fulzele, learned Addl.G.P. submits that basically such a representation and that too properly made, would have to be send to respondent No.3/school, which on receipt of it, would be required to send it along with pension proposal to the respondent No.2 for further processing of the case.

6. Learned counsel for the petitioner submits that the petitioner is ready to make a proper representation in the manner as submitted by learned Addl.G.P.

7. In view of above, we grant liberty to the petitioner to make a proper representation to respondent No.3/school within a period of two weeks from the date

of the order and if such representation for grant of pension on the basis of previous service rendered by the petitioner is made, same shall be processed appropriately at the school level and proper proposal in that regard would be made by the school management and same shall be send to respondent No.2 for its due consideration and approval, if any, in accordance with law. The action of sending of the proposal to respondent No.2 shall be completed by respondent No.3 within a period of four weeks from the date of receipt of the representation from the petitioner, if any, and the action regarding proper consideration and grant of approval, if any, shall be completed by the Education Officer (Secondary), Zilla Parishad, Gondia within a further period of eight weeks from the date of receipt of the proposal, of course, in accordance with law.

The petition is **disposed of** accordingly.

JUDGE

JUDGE