

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

903 WRIT PETITION NO.1143 OF 2022

**RAMRAJE LAXMANRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioner:
Mr. Shambhuraje V Deshmukh
AGP for Respondent Nos.1 to 3: Mr. S. G. Sangle
Advocate for Respondent No.5: Mr. R. D. Khadap**

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**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 02nd AUGUST, 2022

PER COURT:

1. Leave to add the Accountant General, Nagpur as Respondent No.6. Addition be carried out forthwith. The learned AGP causes his appearance on behalf of Respondent No.6.

2. On 20.07.2022, we had passed the following order:-

"1. We have considered the following aspects :-

(a) By a communication dated 01/10/2021, the petitioner addressed the Education Officer, Zilla Parishad with reference

to the verification of his duplicate service book. He has expressed his agony in the first paragraph, indicating that neither the Headmaster, nor the Accounts Officer, nor the Education Officer are letting the petitioner have even a glimpse of his service book.

(b) The Deputy Director, Aurangabad Division has written to the Education Officer (Secondary), clearly indicating that because the service book of the petitioner is not being produced, the Accounts Officer is unable to process the pension papers of the petitioner. It is further recorded that the Education Officer should personally intervene in the matter and ensure that the service book is prepared and verified. Delay in granting pension would attract interest and the interest component would be recovered from the person, who is responsible for causing a delay.

(c) The Education Officer has not filed his affidavit. He has got an affidavit filed through the In-charge Block Education Officer, officiating as the Headmaster, who contends that he has submitted the second service book of the petitioner to the Accounts Officer prior to the retirement of

the petitioner, along with a covering letter dated 19/07/2021, for verification. The said letter is placed on record, which indicates the acknowledgment of the Accounts Officer.

(d) A copy of the communication by the Education Officer, dated 01/10/2021, indicates that the Education Officer has demanded from the Accounts Officer, the verified service book- second copy, so as to process the pension papers. Copy of this communication is taken on record and marked as 'X-1' for identification.

(e) A compilation of documents (13 pages) with the covering letter dated 17/02/2022 is placed on record. This letter is addressed by the Officiating Headmaster (BDO) to the Accounts Officer, seeking certain documents. The entire list of the documents is set out in the first paragraph. Several annexures indicate the communication between the various parties. This compilation is taken on record and marked as 'X-2' for identification.

(f) A communication by the Accounts Officer, dated 15/07/2022, is placed on record, which is marked as 'X-3' for identification. The

First paragraph indicates that the Headmaster had tendered the service book of the petitioner. As it contains certain deficiencies, the said book was returned to the Headmaster. This is evident from the first paragraph, wherein it is said that the service book was received from the Headmaster and since it contained deficiencies, it was returned, which clearly means that it was returned to the Headmaster. Down below in the said letter, the Accounts Officer writes that the service book has still not been supplied by the Headmaster to the office of the Accounts Officer.

2. In view of the above, we are granting time to the Headmaster, the Education Officer and the Accounts Officer, though the documents create a picture that the service book is with the Headmaster, to search out the service book-second copy.

3. We are listing this petition on 02/08/2022, in the 'passing orders' category. We make it clear that, if the service book is not traced out, we would be constrained to initiate action against all these three officers in the light of the blame game, that seems to be going on amongst themselves at

the cost of the petitioner, who is a retired Librarian.

4. Stand over to 02/08/2022, in the 'passing orders' category."

3. The learned Advocate for the Headmaster Respondent No.5 submits on specific instructions that the service book of the Petitioner has been traced out, it's contents have been verified and the service book is ready to be delivered to the Education Officer at Beed, today itself, prior to lunch hours. The Headmaster will personally visit the office of the Education Officer and deliver the service book to him.

4. The learned AGP submits that within one (01) week, by a special messenger, the service book would be delivered to the Accountant General, Nagpur and it will be ensured that the said service book reaches the Accountant General, Nagpur on or before 12.08.2022. The statement made by the learned AGP is set out in the affidavit-in-reply dated 29.07.2022 filed by Nagnath Malaji

Shinde, Education Officer, Secondary, Zilla Parishad, Beed.

5. In view of the above, we direct the Account General, Nagpur Respondent No.6 herein to ensure that the service book is perused and the pension papers are processed and cleared as expeditiously as possible and in any case, on or before 30.08.2022.

6. We make it clear that the Petitioner would be entitled for statutory interest on account of delayed payment of the pensionary benefits and the said calculations would be done by the appropriate authorities and the arrears of pension alongwith interest would be paid to the Petitioner, on or before 15.10.2022.

7. In view of the above directions, this Petition is disposed off.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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