

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

948 WRIT PETITION NO.5696 OF 2021

**SHARAYU SUBHASH MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Joslyn Anthony Menezes & Mr. Rajendra
Godbole

AGP for Respondents : Mr. S.G Karlekar
Advocate for Respondent Nos.3, 4 & 5 : Mr. V.V. Gujar
Advocate for Respondent No.6 : Mr. P.P. Dawalkar

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**CORAM : A.S. GADKARI &
S.G. MEHARE, J.J.**

DATED : 12th JANUARY, 2022

PER COURT:-

1. It is the grievance of the petitioner that, her rendering of service with the Zilla Parishad, Jalgaon from June 1986 to June 1988 has not been taken into consideration while fixing her pension for which she is entitled for.

2. Learned counsel for respondent nos.3 to 5 submitted that, the said period has not been computed while fixing pension of the petitioner as the petitioner tendered her resignation with Zilla Parishad, Jalgaon in June 1988 without seeking prior permission in that behalf as per the Maharashtra Civil Services Rules and as mentioned in the communication dated 14.10.2019 (page no.70) addressed by the respondent no.5.

3. Learned counsel for the petitioner submitted that, the State of Maharashtra has issued Government Resolution dated 31.05.1995 whereby certain benefits have been given to the persons like petitioner for calculation of their period of service earlier rendered while computing entitlement of pension. A photocopy of said Government Resolution dated 03.05.1995 is produced on record.

4. Perusal of the said Government Resolution *prima facie* indicates that, there is substance in the contention raised by the learned counsel for the petitioner. It is submitted that, as a matter of fact, the Deputy Director of Education i.e. respondent no.2 herein has fixed the pay scale/pension of the petitioner after taking into consideration services rendered by her from June 1986 to June 1988 in it's meeting dated 15.10.1999 (page no.58 to the petition), however, the respondent nos.6 and 5 are not doing the needful.

5. In view thereof, we hereby direct the respondent no.2 to reassess the entire position and if the petitioner is entitled for benefit of the said two years i.e. from June 1986 to June 1988 as per her service record, grant her benefit of the same. Respondent no.2 being the controlling authority in the hierarchy, is further directed to see to it that his decisions are implemented by the subordinate authorities without any hesitation or demur, unless and until those are reversed or set aside by higher Authorities.

6. The respondent no.2 is directed to do the needful within

a period of six weeks from the date of receipt of the present order.

7. In view of the above, grievance of the petitioner at this stage does not survive.

Petition is partly allowed in the aforesaid terms.

(S.G. MEHARE. J.)

(A.S. GADKARI, J.)