

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

51 WRIT PETITION NO.10255 OF 2022

SHIVDAS MARUTI MUNDE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Vivek Vasantrao Bhavthankar.

AGP for Respondent Nos.1 & 2 : Mr. S. G. Karlekar.

Advocate for Respondent Nos.3 & 4 : Ms. P. S. Talekar.

...

CORAM : **RAVINDRA V. GHUGE &  
SANJAY A. DESHMUKH, JJ.**

DATE : 28<sup>th</sup> November, 2022.

**P.C.:**

1. This Court had passed the following order on 11<sup>th</sup> October, 2022:-

- “1. The petitioner prays for a direction that his pension proposal be forwarded by the management to the Education Officer and he be granted provisional pension.
2. The petitioner joined employment on 17.06.1991 as an Assistant Teacher. He was terminated on 03.07.1998. His appeal filed under Section 9 of Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977 was allowed by judgment dated 23.01.2015. He was granted reinstatement with continuity in service and 30% back-wages. The management preferred writ

petition No.2706 of 2015, which is still pending adjudication. By an interim order dated 19.01.2016, the management was directed, either to reinstate the petitioner or pay back-wages. The management preferred to reinstate the petitioner and accordingly he was reinstated on 28.06.2016. He has superannuated from employment on 30.06.2021.

3. In our view, *prima facie*, the petitioner has a good case for grant of provisional pension.
4. Issue notice to the respondents, returnable on 28.11.2022. This matter would appear in the urgent admission category.
5. The learned A.G.P. waives service of notice on behalf of respondent Nos. 1 and 2.”

2. The learned advocate for the management has filed an affidavit-in-reply on behalf of respondent Nos.3 and 4 dated 27<sup>th</sup> November, 2022, stating therein that the present petitioner had already moved Civil Application No.5037 of 2019 before the learned Single Judge praying for modification of the order dated 19<sup>th</sup> January, 2016. A prayer for provisional pension was addressed and vide order dated 8<sup>th</sup> March, 2022, the said application was rejected.

3. The learned advocate for the petitioner as well as the learned advocate for the management submit that they would request the

learned Single Judge for a final hearing in Writ Petition No.2706 of 2015.

4. Considering the above, this petition is disposed off.

*nga*

[ SANJAY A. DESHMUKH, J. ]

[ RAVINDRA V. GHUGE, J. ]