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

953 WRIT PETITION NO.14846 OF 2019

**JANABAI MANIKRAO THORAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr R. V. Gore, Advocate h/f Mr Y. K. Delmade, Advocate for
petitioner;
Mr S. G. Sangle, A.G.P. for respondent No.1
Mr S. P. Kausalye, Advocate for respondent Nos.2 & 3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 13th April, 2022

PER COURT:

1. The issue raised before this Court is as regards the failure on the part of respondent No.2/ University in processing the papers of the petitioner for grant of monthly pension and admissible benefits, for almost 10 years. The petitioner has superannuated on 31.05.2012. The petitioner was regularized in employment in 2006. Though qualifying service for pensionary benefits is 10 years, the earlier temporary service can be reckoned with under Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982 to the extent of 50%, which would change the calculations of the pensionary benefits. The petitioner would then be entitled to

pension.

2. The learned advocate for the petitioner relies upon the following orders/ judgments delivered by this Court in identical set of facts :-

(a) Dagdu Madhavrao Mundhe vs. The State of Maharashtra, Writ Petition No.39/2017 decided on 06.01.2017.

(b) Dattu Saidu Shinde vs. The State of Maharashtra, Writ Petition No.3061/2014 decided on 29.09.2014.

(c) Mohd. Khaja Abdul Hakim vs. Maharashtra Animal and Fishery Sciences University, Writ Petition No.7170/2010 decided on 22.02.2011.

(d) Satyabhamabai @ Bhimbai Kishan Bhanje vs. The State of Maharashtra, Writ Petition No.3271/2011 decided on 22.08.2011.

(e) Mahatma Phule Krishi Vidyapeeth vs. Ganpat Kisan Karle, 2016 (3) AIR Bom R 697 : 2016 (4) Bom. C.R. 790.

3. It goes without saying that every person has to be treated with respect and dignity. When it comes to a retired employee, the model employer would ensure that he retires in peace and the

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process of initiation of payment of pensionary benefits is smooth. It is unconscionable and inhumane to cause a retired employee to knock the doors of this Court begging for pensionary benefits and that too for several years after her retirement.

4. Statute 138 of the Statutes of 1990 is quoted by the University to contend that the Maharashtra Civil Services Rules, as amended from time to time and as applicable to the State Government employees, are made applicable *mutatis mutandis* to the employees of the University. It is further submitted that under Section 12 of *Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983*, the Maharashtra Council of Agriculture Education and Research has been established and that is the controlling authority. It is then stated that the petitioner was appointed as an unskilled labour on 18/12/1973 and appointed on sanctioned post DDCF (PAP) by an order dated 12/01/1984. It is admitted that the petitioner was regularized from the year 2006. It is also conceded that the petitioner has retired on 31.05.2012.

5. We find from the conduct of the Registrar of the University that despite this Court having delivered several judgments, which are relied upon by the petitioner as set out herein above, and when

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the law is no longer res-integra, the Registrar should have adopted a pragmatic approach instead of taking a pedantic view in the matter. We find that the objection of the Registrar is merely to tire out the petitioner and cause her continued harassment over the last decade by refusing to forward her proposal for pensionary benefits by taking into account her temporary tenure of employment to the extent of 50%, while calculating pensionary benefits.

6. In view of the above, this petition is allowed and the following directions are issued:-

(a) The Registrar of respondent No.2/University shall ensure that all pension papers of the petitioner are prepared and are forwarded to the Accountant General, on or before 15.05.2022.

(b) The competent authority from the office of the Accountant General would process the pension papers and ensure that the arrears of pension as well as the payment of regular monthly pension commences on or before 01.07.2022.

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(c) For the continued harassment caused to the petitioner by the Registrar of respondent No.2/ University, we deem it fit in this case to impose costs of Rs.5,000/- (Rupees Five Thousand) to be paid by the Registrar from his salary bank account, to the petitioner, on or before 15.05.2022.

(d) We were about to direct the Vice Chancellor of the respondent University to initiate strict disciplinary action against the Registrar. However, the learned advocate for the University has urged us to give him one chance for reformation, with the assurance that henceforth he will not indulge in any such acts.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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