

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6757 OF 2022

Chandrakant Baburao Nimbalkar ... Petitioner.
Versus
The State of Maharashtra and Others. ... Respondents.

— —
Mr. Y.B. Lengare, Advocate for the Petitioner.
Smt.S.S. Bhende, AGP for Respondent Nos.1 to 3-State.
Mr. Abhijit B. Kadam, Advocate for Respondent Nos.4 and 5.
— —

CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.

DATE : December 16, 2022.

P. C. :

1. On 1st July, 1995, the Petitioner was recruited as a part time lecturer. His services were converted to full time on 15th June, 2007. The Petitioner superannuated on 20th February, 2022. As such, the claim is, part time services of the Petitioner needs to be considered for the purpose of grant of pension as per the old pension scheme. The counsel for the Petitioner has drawn support from the orders of this Court delivered at Nagpur Bench of this Court in Writ Petition No.5421 of 2017 (*Smt. Darshana wd/o Adikrao Gaikwad vs. State of Maharashtra and Others*), delivered on 9th July, 2018, whereby the services of part-time lecturers were directed to be considered for the purpose of entitlement of the retired employees under the old pension scheme.

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2. In this background, when confronted the counsel for the Respondent No.5 submits that the entire documents as regards the entitlement of the Petitioner for the pension under old pension scheme shall be forwarded to the Respondent no.2–Deputy Director of Education within a period of six weeks from today. The Petitioner submits that he shall coordinate with the Respondent No.5 in submission of such proposal.

3. We direct the Respondent no.2-Deputy Director of Education to take decision on the said proposal as expeditiously as possible and in any case within a period of ten weeks from the receipt of the same.

4. We also expect that Deputy Director of Education to deal with proposal of the Petitioner's claim for entitlement to senior pay-scale which will also be forwarded by the Respondent No.5 along with the proposal for grant of pension.

5. With the above directions, the writ petition stands disposed of.

6. Needless to clarify that the Respondent No.2-Deputy Director of Education so also State Government shall have regard to the judgment of the High Court referred (supra) in the matter of *Smt. Darshana wd/o Adikrao Gaikwad vs. State of Maharashtra and Others*.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]