

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1440 OF 2021

Bajrang Laxman Pote

-- Petitioner

Vs.

State of Maharashtra and others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T.S. Kene, Advocate for Petitioner

Mr. D.P. Thakare, Addl.G.P. for Respondent Nos.1 to 3

CORAM : MANISH PITALE, J.

DATE : 24th MARCH 2022

By this petition, the petitioner has challenged order dated 07/11/2019, passed by the Lokayukta, whereby grievance raised by the petitioner seeking pensionary benefits of the post of Headmaster was found to be baseless and the complaint was closed.

2. According to the petitioner, although he retired on 30/04/2000, from Chhatrapati Shahu Vidyalaya, Jaulaka (Warur) Taluka Akot, District Akola, he was not paid pension for the post of Headmaster.

3. It is an admitted position on record that while the petitioner retired in the year 2000, he appears to have sent certain communications / representations intermittently, but, he eventually raised a grievance only in the year 2019, before the Lokayukta. A perusal of the order of the Lokayukta shows that the petitioner was only holding charge of Headmaster and that he was never appointed as a regular Headmaster in the school. In such a situation, it cannot be said that the Lokayukta committed any error in holding that the grievance raised by the petitioner was baseless. While considering the contentions raised by the petitioner, the Lokayukta went ahead to observe that even if it was to be assumed that the petitioner was appointed as Headmaster on a regular basis, as long as his appointment was not approved by the competent authority, the Government could not be held liable to pay pension for the post of Headmaster.

4. On the basis of such observations made in the impugned order, the learned counsel appearing for the petitioner sought to contend that if not the Government, at least the Management ought to be held responsible for depriving the petitioner of pension, pertaining to the post of Headmaster.

5. This Court is of the opinion that since it is an admitted position that the petitioner merely worked as incharge Headmaster and he was never appointed on a regular basis, there is no substance in the grievance sought to be raised by the petitioner, quite apart from the fact that the petitioner having retired in the year 2000, chose to move the complaint and raise grievance in 2019.

6. Reliance placed on the judgment of this Court in the case of **Ramchandar Ramadhar Yadav Vs. Hyderabad (Sind) National Collegiate Board and another** reported in **2006(2) Mh.L.J. 530**, is misplaced because the said case pertained to appointment of the petitioner therein on a clear permanent vacancy. Such are not the facts in the present case and therefore, the aforesaid judgment is clearly distinguishable.

7. In view of the above, the writ petition is dismissed.

JUDGE