

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.1331 OF 2010

Gopalrao S/o. Vyankoba Chiddarwar,
Aged 77 Yrs., Occu.: Retired Assistant Teacher,
R/o. 46, "SWAGAT", Ganesh Colony, Amravati

.... **PETITIONER**

// VERSUS //

- 1. The State of Maharashtra,**
through the Secretary,
Education Department, Mantralaya,
Mumbai -32
- 2. The Deputy Director of Education,**
Amravati Division, Amravati
- 3. The Education Officer (Secondary),**
Zilla Parishad, Yavatmal
- 4. Head Master,**
The English High School and
Junior College, Ner-Parsopant,
Dist. Yavatmal, Pin- 445 102

.... **RESPONDENTS**

None for the petitioner
Mr N. S. Rao, AGP for respondent Nos.1 to 3
Mr Anand Parchure, Advocate for respondent No.4

CORAM : SUNIL B. SHUKRE AND
G. A. SANAP, JJ.
DATED : 23.09.2022

ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)

1] Heard.

2] We find that pension case of the petitioner could not be processed and decided appropriately by respondent No.2 only because

some of the objections raised by him in respect of the pension proposal were not answered or complied with by respondent No.4.

3] Unless and until these objections are properly answered and complied with by respondent No. 4, respondent No. 2 would not be in a position to decide the pension case of the petitioner appropriately.

4] *Prima facie*, we find that the impediments faced by the petitioner in receiving pension can be removed by recovery of salary paid to the petitioner for the month of November 1977 and informing respondent No.2 the provision of law appearing in note below Rule 66 of the Maharashtra Civil Services (Leave) Rules, 1981 which reads as follows:-

“The leave granted as leave preparatory to retirement shall not include extra-ordinary leave.”

5] Accordingly, we partly allow the petition and direct the respondent No.4 to prepare a fresh pension proposal of the petitioner complying with all the objections taken by respondent No.2 in the light of the above referred observations and send it to respondent No. 2 for

its fresh consideration and approval by respondent No.2 within a period of three months from the date of the order. We further direct respondent No. 2 to decide the pension case of the petitioner within a period of 8 weeks from the date of receipt of the proposal. The copy of the pension proposal shall be forwarded to the petitioner.

6] Rule is made absolute in the above terms. No costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Namrata