

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

WRIT PETITION NO.3446 OF 2022

Ramdhan Motiramji Bhagat, Bendagaon Post Bhandi Mahala, Tq. Barshi Takli, Dist. Akola
-vs-
State of Maharashtra Thr. Secretary, Social Welfare and Tribal Development Dept. Mumbai and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. S. Fulzele, Additional Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : December 13, 2022

P.C.

Rule. Rule made returnable forthwith and heard the learned Additional Government Pleader for the respondents. The petitioner was serving as an Assistant Teacher in an Ashram School run by the Tribal Department. Since he was not permitted to discharge the duties, the petitioner had approached the Maharashtra Administrative Tribunal against such action. The said proceedings were dismissed. The petitioner had filed Writ Petition No.833/1998 challenging the order passed by the Maharashtra Administrative Tribunal refusing to grant him any relief. That writ petition was allowed on 21/03/2004 directing the respondents to regularise the services of the petitioner and grant him continuity in service for all purposes except back-wages. Since the petitioner was not being paid pensionary benefits on the ground that there was break in service from 01/05/1990 to 08/12/2004, the present writ petition has been filed.

2. After hearing the learned counsel on 06/12/2022 the Court directed the respondents to file reply. The relevant observations in the said order read as under :

“In the light of the judgment of this Court in Writ Petition

No.833/1998, it is clear that petitioner was entitled to grant of continuity in service for all purposes except back-wages. Hence, we do not find that there should be any dispute as regards the manner in which the period from 01/05/1990 to 08/12/2004 has to be treated.

Only by way of indulgence, we grant time to the respondents to file their affidavit by 13/12/2022, failing which costs of Rs.10,000/- (rupees ten thousand) would be imposed on the said respondents proportionately. It is made clear that if the reply is not filed the writ petition would be decided by accepting the averments made therein as uncontroverted.

Stand over 13/12/2022.”

3. Pursuant to the aforesaid, the learned Additional Government Pleader has tendered a copy of the order dated 12/12/2022 that has been issued by the Tribal Development Department to its Additional Secretary. It is taken on record and marked 'A' for identification. It has been stated therein that necessary steps would be taken to grant pensionary benefits to the petitioner after granting him continuity in service. In view of aforesaid by directing the respondents to release pensionary benefits of the petitioner within a period of six weeks from today, the writ petition is allowed and disposed of.

Rule accordingly. No order as to costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

Asmita