

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

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WRIT PETITION NO. 1600/2020

Shri Noharalal s/o Sheoprasad Shribhadre
Aged about 58 years, occu: Retired Headmaster
R/o Adarsha Colony, Ring Road
Near Bharati Jain Mandir
Tah. & Dist.Gondia.

..PETITIONER

v e r s u s

1. The State of Maharashtra
Through its Principal Secretary
Department of Education
Mantralaya, Mumbai-32.

2. Deputy Director of Education
Nagpur Region, Nagpur.

3. Education Officer (Secondary)
Zilla Parishad, Tahsil and Dist. Gondia.

4. Shree Samarth New Education Gondia
Through its Secretary, Railtolly
Tah. & Dist.Gondia.

.. RESPONDENTS

.....
Mr S.K.Pardhy, Advocate for petitioner
Mr. K.L.Dharmadhikari, A.G.P for respondent nos. 1 to 3
Respondent No.4 served.
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CORAM: SUNIL B. SHUKRE &
ANIL L. PANSARE, JJ
DATED : 10th October, 2022.

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

1. **Rule.** Rule is made returnable forthwith. Heard finally with consent.

2. Mr.S.K.Pardhy, learned counsel for the petitioner submits that under the Maharashtra Civil Services (Pension) Rules, 1982 there is no power conferred upon the Respondent-State Government to withhold or withdraw the pension and pensionary benefits and, therefore, there cannot be any denial of pension and pensionary benefits to the petitioner. He also submits that since similar position obtains in the case of Bihar Pension Rules, 1950, the law laid down by the Hon'ble Supreme Court, in the case of State of Jharkhand and others vs. Jitendra Kumar Srivastava and another, reported in 2013 (12) SCC 210 squarely applies to this case.

3. Mr. K.L. Dharmadhikari, learned AGP fairly concedes the legal position as explained by the learned counsel for the petitioner.

4. In view of the above, the writ petition is allowed. The respondents are directed to ensure that pension and pensionary benefits as per the entitlement of the petitioner are made available to the

petitioner in accordance with law, at the earliest and, in any case, within four months from the date of receipt of this order.

5. Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

sahare