

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

WRIT PETITION NO. 7853/2019

Laxman Sardarsingh Rajput,
Aged about 68 years, Occ. Retired,
R/o Plot No.36, Saraswati Layout,,
Dindayal Nagar, Nagpur-440022.
Mob: No.9423064895

PETITIONER

.....VERSUS.....

1. The Deputy Director, (Education),
Divisional Officer, Nagpur Division,
Balbharati Building, Dhantoli, Nagpur.
2. The Education Officer (Secondary),
Zilla Parishad, Nagpur,
Civil Lines, Nagpur – 440 001.
3. Account General/Sr.Account Officer,
Office of the Account General (A&E),
West High Court Road, Civil Lines, Nagpur-440001.
4. The Principal,
Dr.Ambedkar, College,
Dikshabhoomi, Nagpur-440010.

RESPONDENTS

Shri S.S. Shinde, counsel for the petitioner.
Shri A.A. Madiwale, Assistant Government Pleader for the respondent nos.1
to 3.
Shri C.M. Samarth, counsel for the respondent no.4.

CORAM : A. S. CHANDURKAR AND SMT. PUSHPA V. GANEDIWALA, JJ.

DATE : 18TH JANUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The grievance of the petitioner is the non-release of pensionary benefits pursuant to service rendered at the respondent no.4- College and his consequent superannuation thereafter.

3. It is the case of the petitioner that he was working as a teacher at the Junior College and he retired from service on attaining the age of superannuation on 31.08.2008. After his pension case was submitted by the College he started receiving pension. By Government Resolutions dated 26.02.2014 and 27.12.2018 there was a revision effected in the pay-scales and hence according to the petitioner he was also entitled to get such benefit through revision in his pension amount. It is his grievance that despite various steps taken such benefits were not granted to him. The stand taken by the respondent no.4 was that the service book of the petitioner was not traceable. Ultimately having made various representations the petitioner has approached this Court seeking a direction that the College be directed to prepare the petitioner's pension case to enable him to get benefit under Government Resolutions dated 26.02.2014 and 27.12.2018.

4. On 05.01.2022 after hearing the learned counsel this Court had directed the respondent no.4 to re-construct the service record of the petitioner to facilitate preparation of the service book. Accordingly, it is informed today that the petitioner's service book has now been prepared and further steps could be taken to examine the entitlement of the petitioner for grant of benefits sought by him.

5. Accordingly, the following directions are issued in the interest of justice:

The respondent no.4 shall forward the pension papers of the petitioner alongwith all necessary documents to the respondent nos.2 and 3 within a period of three weeks from today. The respondent nos.2 and 3 shall take a decision on the said pension case in the light of Government Resolutions dated 26.02.2014 and 27.12.2018 within a period of four weeks from receipt of the pension papers. The decision taken be accordingly communicated to the petitioner thereafter. All other aspects raised in the petition regarding grant of interest are kept open for consideration at the appropriate stage.

6. With these directions, the writ petition is disposed of. Rule accordingly. No costs.

(SMT. PUSHPA V. GANEDIWALA, J.) (A.S. CHANDURKAR, J.)

APTE