

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

WRIT PETITION NO.2075 OF 2022

Smt. Pritichhaya Keshao Gokhe,
Aged about 59 years, Occ:Retired,
R/o Ramnagar, Nagpur. **PETITIONER**

...V E R S U S...

1. Municipal Council, Kalmeshwar,
Tq.Kalmeshwar, District:Nagpur,
Through its Chief Officer.
2. Education Officer, Secondary
Zilla Parishad, Nagpur,
Tq. and District: Nagpur.
3. The Municipal High School & Higher
Secondary School, Kalmeshwar,
Taluqa: Kalmeshwar, Dist: Nagpur,
through its Headmaster. **RESPONDENTS**

Ms. Ritu P. Jog, Advocate h/f Mr. A. C. Dharmadhikari,
Advocate for Petitioner.
Mr. O. A. Ghare, Advocate h/f Mr. A. M. Ghare, Advocate for
Respondents 1 & 3.
Mr. M. K. Pathan, AGP for Respondent 2/State.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**
DATE: **11th APRIL, 2023.**

ORAL JUDGMENT: (PER ROHIT B. DEO, J.)

Rule. Rule made returnable forthwith. By consent
of the parties petition is heard finally.

2. The grievance of the petitioner is that notwithstanding the directions issued by the High Court while disposing of Writ Petition 1284/1998, the petitioner has not received the pensionary and retiral benefits. Inasmuch as, it is not even argued that that the judgment dated 24.08.2015 in Writ Petition 1284/1998, has not assumed finality, it would suffice if we refer to the said judgment, and in particular paragraph 6 thereof which reads thus:

6) Hence, for the reasons aforesaid, the writ petition is partly allowed. The respondent-Municipal Council is directed to protect the services of the petitioner as a teacher till her superannuation. It is needless to mention that the petitioner would also be entitled to the retiral benefits, in accordance with law.

3. Since the Co-ordinate Bench has already held that the services of the petitioner as a Teacher are protected till her superannuation, and that the petitioner shall be entitled to the retiral benefits in accordance with law, we allow the petition in terms of prayer clause (i), save and except that we

are not inclined to consider the prayer for grant of interest.

4. Prayer clause (i) reads thus:

i) direct the respondents to release pensionary and retiral benefits to the petitioner as per the order dated 24/8/2015, passed by this Hon'ble Court in Writ Petition No. 1284/1998 and further pray for interest thereon from the date of her superannuation till its actual realization in accordance with law, in the interest of justice.

5. The pension proposal shall be forwarded by respondent 2 to the office of the Accountant General within two weeks from the uploading of this order on the High Court website. We expect the concerned office to process the pension papers in accordance with law within six weeks from the date of the receipt.

6. Petition is disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)