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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8668 OF 2022

Hawaladar Saeeda Babulal

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. S.G. Kudle for the Petitioner

Ms. Ashwini A. Purav, AGP for Respondent Nos. 1 and 2

Mr. Shardul Diwan i/b. Rahul S. Kadam for Respondent No.3

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 03 APRIL 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has retired from the service on 28 February 2022. It is the case of the Petitioner that the Petitioner was working in various educational institutes from 20 October 1993 and from 23 June 1998 had worked as a part-time teacher as well. The two issues are raised by the Petitioner No.1 regarding condonation of break in service to qualify for pensionary benefits and secondly the applicability of the Old Pension Scheme.

3. As regard the condonation of break in service is concerned, the learned Counsel for the Petitioner pointed out that the request is made to the Respondent – Management to forward a proposal to the concerned authority on 11 April 2022. However, the same has not been forwarded because of which the pensionary benefits have not been disbursed. That being the position, we permit the Petitioner to apply to the Deputy Director of Education seeking the condonation of break in service as the Respondent – Management is not forwarding the proposal.

4. If such an application is made within a period of four weeks, the Deputy Director of Education will issue necessary instructions to the Respondent – Management to forward all the necessary papers and thereafter, take a decision after the papers are so received within a period of four weeks subject to other time bound directions, and communicate the decision to the Petitioner. In case, the Petitioner is found eligible, then necessary directions for release of pensionary benefits be issued immediately.

5. The Writ Petition is disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

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