

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9664 OF 2022

Balu Rabhaji Gangurde

...Petitioner

Versus

The State of Maharashtra And Ors.

...Respondents

Mr. Sanjiv Sawant a/w. Bhakti i/b. Samir Suryawanshi, for Petitioner.

Mr. S.B. Kakel, AGP for Respondent No. 1.

Ms. Deepali, for Respondent Nos. 4 & 5.

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

DATE : 21 MARCH 2024

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by
HUSENBASHA
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NADAF
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P.C.:

. Heard learned counsel for the parties.

2. Leave to amend is granted to correct description of Respondent No.3. Amendment be made during the course of the day.

3. The Petitioner was working with Respondent Management as a Junior Clerk from 14 March 1996 to 29 April 2010. Since the Petitioner's pensionary benefits including gratuity has not been released, the Petitioner has filed this petition for direction to Respondent- Management and to the education authorities.

4. The Petition came up on board on 20 August 2022. Notice

was issued to the Respondent- Management as Respondent- Management had not submitted pension papers. Thereafter, in spite of service, none appeared for Respondent- Management. Therefore, on 8 January 2024, the following order came to be passed.

“ Notice issued to Respondent Nos. 4 and 5 –Management is duly served as endorsed by the Registry. None appears for Respondent Nos. 4 and 5. The matter is notified in advance.

2. Grievance of the Petitioner is that the pensionary benefits are not being released by the Respondent Nos. 4 and 5 even after completing the qualifying service from 14 March 1996 to 29 April 2010. According to the State, since the pension papers are not received from the School Management, the proposal cannot be processed. This Petition is pending since August 2022. Since inspite of service, the Respondent Nos. 4 and 5 have not appeared. The contentions raised by the Petitioners have gone uncontroverted.

3. Stand over to **7 February 2024**.

4. If the Respondent Nos. 4 and 5 do not enter appearance and file affidavit opposing the Petition by 22 January 2024, then they shall forward the pension papers and report the said fact to the Education Officer, Zilla Parishad, Thane.

5. The learned Counsel for the Petitioner states that he will serve the copy of this order on Respondent Nos. 4 and 5. By next date if no action is taken by the Respondent Nos. 4 and 5, then the Court may proceed to take coercive action against the Respondent Nos. 4 and 5.”

5. Then on 7 February 2024, learned counsel for Respondent Nos. 4 & 5 appeared and tendered apology and stated that pension papers would be forwarded. Today, we are informed that that the Respondent- Management has forwarded the pension papers.

6. The Petitioner has retired from service on 31 August 2019 and yet to be paid pensionary benefits. The Petitioner's appointment has been duly approved by the Education Officer. Now that the pension papers are stated to be received by Respondent No.3, Respondent No.3 will take decision/action thereupon as per law within a period of eight weeks.

7. Writ Petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)