

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10938 OF 2022

Rambhau Vitthal Sadavarte

...Petitioner

Versus

The State Govt. Of Maharashtra And Ors.

...Respondents

.....

Mr. Bhushan U. Tayade, Advocate for Petitioner.

Mr. V.M. Mali, AGP Advocate for Respondent Nos. 1 to 4.

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

DATE : 11 JANUARY 2024

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P.C.:

. Heard learned counsel for the Parties.

2. Heard learned counsel for the Petitioner. Petitioner is seeking a direction to Respondent Nos. 1 to 4 State - Authorities to release the pension of the Petitioner. It is the case of the Petitioner that the Petitioner was appointed on 12 January 1981 on the post of Peon with Respondent Nos. 5 & 6 Management. The Petitioner came to be terminated from service by Respondent - Management by order dated 26 September 2006. The Petitioner thereafter filed an Appeal in the School Tribunal, Mumbai in Miscellaneous Application seeking condonation of delay. This application was rejected by order dated 28 July 2011. This order was not taken further. The Petitioner

contends that irrespective of the order of termination, the Petitioner prior to 26 September 2006 had completed 25 years qualifying service and therefore, pension should be paid to the Petitioner. It is also a grievance of the Petitioner that Respondent - Management is not cooperating for forwarding pension papers to the State Government.

3. In these circumstances, we dispose the writ petition permitting the Petitioner to apply to the Education Inspector for the pensionary benefits. The Education Inspector will look into issue and decide upon entitlement of the Petitioner on its own merits.

4. It is open to the Education Inspector to issue necessary instructions to Respondent - Management to produce the papers to enable the Education Inspector to take an appropriate decision. If the application is made within three weeks from today, the Education Inspector subject to earlier time bound commitment and directions to take a decision within a period of 3 months from the date of submission of the application by the Petitioner.

5. Writ Petition is disposed of in above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)