

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

WRIT PETITION NO. 11386 OF 2022

Sabale Ranjana Anandrao

...Petitioner

Versus

The Superintendent, Pay & Provident
Fund Unit, Education Department,
Pune and Ors.

...Respondents

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NITIN
CHAVAN

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Mr. Vivek Salunke for the Petitioner.

Mr. S.S. Kalel, AGP for the Respondent No. 1, 2 and 4/State.

Mr. Milind Deshmukh for Respondent No.3.

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

DATE : 16 JANUARY 2024

P.C. :

. Heard learned counsel for the parties. Taken up for final disposal.

2. The Petitioner employee who has worked with Respondent No.3/College as a Librarian, initially as a part time Librarian for 16 years, 6 months and 10 days and thereafter as a full time Librarian for 7 years and 4 months, is seeking direction to Respondent No.3/College to send her pension proposal to Respondent Nos. 1 and 2 and also seeking direction to them to grant it.

3. It is the case of the Petitioner that all her appointments and transfers during the service period, were duly approved by the concerned Authorities. The Petitioner has retired on superannuation on 1 March 2019. It is her case that after her retirement, she was waiting for the College to send her pension proposal, however it was not sent. Therefore, she requested for necessary action by her letter dated 22 March 2022 and a follow-up-cum-reminder letter dated 11 July 2022. It is submitted that upon consistent followup, it was orally informed to her that part-time services rendered by her cannot be considered and therefore, office of Respondent Nos. 1 and 2 have strictly directed to all the schools and Managements, not to even forward such pension proposal. It is submitted that the said stand of the Respondents, is illegal and contrary to settled legal position as supported by case laws.

4. In the aforesaid facts and circumstances, we deem it appropriate to dispose of this petition by passing following order.

(i) Respondent No.3/College is directed to forward the Petitioner's pension proposal along with supporting documents and material (including government resolutions & caselaw etc. if any) within a period of 3 weeks from today.

(ii) Respondent No. 1 & 2 (Superintendent, Pay and Provident Fund Unit, Education Department, Pune & Education Officer

(Secondary), Pay and Provident Fund Unit, Education Department, Pune) are directed to consider the proposal so forwarded, and communicate within 3 weeks to the Respondent/College, their grounds of objection, if any.

(iii) Thereafter, Respondent No.3/College is directed to submit necessary explanation along with supporting case laws, Government Resolution and other material to Respondent Nos. 1 and 2 and thereafter, Respondent Nos. 1 and 2 are directed to deal with the explanation and material including case laws relied upon and decide pension proposal of the Petitioner, by passing a reasoned order within a period of 8 weeks, subject to other time bound directions.

(iv) We have not expressed any opinion on the merits of the Petitioner's case and her proposal will be decided on its own merits and in accordance with law.

5. Writ Petition is disposed of in the aforesaid terms.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)