

2. The Petitioner has been working since 10<sup>th</sup> June, 1993. He was due for promotion. The issue with regard to his seniority was upheld by this Court, vide order dated 30<sup>th</sup> January, 2018 passed in Writ Petition No. 8045 of 2015. Respondent No.3 declined to recognize the appointment of the Petitioner as a Headmaster with effect from 1<sup>st</sup>

December, 2015 on the ground that the High Court had not ordered accordingly. Hence, Respondent No.3 issued an appointment order on 29<sup>th</sup> June, 2018 designating the Petitioner as the Headmaster from 26<sup>th</sup> June, 2018 and not from 1<sup>st</sup> December, 2015. This is the subject matter of Writ Petition No. 11687 of 2018, which is pending.

3. The original service book of the Petitioner was misplaced from the employer's department, somewhere around 3<sup>rd</sup> February, 2023. The Petitioner applied for permission for reconstruction of the service book vide letter dated 7<sup>th</sup> February, 2023 addressed to Respondent No.3. Respondent No. 4, the Account Officer (Education), Mumbai, North Division, Mumbai, Chembur, declined to sign or approve the pay fixation and stamping, on the ground that Respondent No.3 has not approved the reconstruction of the service book.

4. The Petitioner has superannuated on 31<sup>st</sup> May, 2024 and is without pension till today. It is undisputed that there are factions in the Management. On account of the internal squabbles, the administration of the institutions have taken a back seat.

5. The Petitioner relies upon a Circular dated 6<sup>th</sup> March, 2010 issued by School Education and Sports Department through the Director of Education (Secondary and Higher Secondary), Pune, addressed to all Divisional Deputy Directors of Education and all Education Officers (Secondary) Zilla Parishads in the State of Maharashtra. When there are internal squabbles amongst the trustees resulting in the mismanagement of the trust, the Education Officer would take the initiative insofar as the pay fixation, pay hikes, higher pay scale, select grade and pension matters are concerned.

6. We are intrigued by the fact that those Officers of the Education Department, who are supposed to ensure proper administration, are unwilling to render assistance, probably out of an ego issue. There was no reason for Respondent No. 3 to deny the reconstruction of the service book which would have enabled Respondent No.4 to proceed with the stamping and pay fixation.

7. Now, the learned AGP submits that Respondent No.3 is willing to grant such a permission, oblivious of the fact that in this process, almost six months have been lost and the Petitioner is without pensionary benefits.

8. In view of the above, **this Writ Petition is disposed off** with a direction to Respondent No.3 to grant the No Objection Certificate for the reconstructed service book and forward the same to Respondent No.4 for grant of approval and to facilitate the payment of pension. Let Respondent No.3 complete his role within 15 days from today and Respondent No. 4 would initiate appropriate action within 15 days thereafter.

9. We expect the payment of pension of the Petitioner to commence from February, 2025 keeping in view that the pension papers would be dealt with by the Accountant General who would do the needful prior to 31<sup>st</sup> January, 2025 and ensure that the regular payment of pension commencing from February, 2025. Insofar as interest on the delayed pension is concerned, we direct that the statutory interest, as is payable, shall be calculated with the arrears of pension, to be paid, on or before 28<sup>th</sup> February, 2025.

(ASHWIN D. BHOBE,J.)

( RAVINDRA V. GHUGE, J.)