



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1397 OF 2023

Ku. Lalita Ramchandra Chawane Vs. Director of Education (Primary),
Directorate of Primary Education, Pune and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.S. Patil, Advocate for petitioner.
Shri Indranil Damle, AGP for respondent no.1.
Shri G.S. Bhajbhuj, Advocate for respondent no.2.

CORAM : AVINASH G. GHAROTE &
M.W. CHANDWANI, JJ.

DATE : AUGUST 9, 2024.

Heard Shri P.S. Patil, learned counsel for the petitioner, Shri Indranil Damle, learned Assistant Government Pleader for respondent no.1 and Shri G.S. Bhajbhuj, learned counsel for respondent no.2. Shri K.N. Thakur, learned counsel for respondent no.3 is absent.

2. The petition questions the communication dated 05.12.2022 (pg. 42), whereby the petitioner has been denied applicability of the Old Pension Scheme on the ground that the earlier termination of the petitioner which was confirmed by the School Tribunal and was set side by this Court in Writ Petition No.6278 of 2005 by the judgment dated 09.09.2014 directed reinstatement with only 25% backwages.

3. Since it is not disputed that the petitioner was appointed on regularly sanctioned post, the mere fact that

while directing reinstatement, this Court granted 25% backwages cannot be a ground for denying the benefits of the Old Pension Scheme, which is the only ground as is spelt out from the communication dated 05.12.2022.

4. In view of which, the impugned order dated 05.12.2022 is hereby quashed and set aside and the respondent no.3 is directed to process the case of the petitioner for grant benefits of Old Pension Scheme. The same be done within a reasonable period of time of three months as far as possible.

5. The petition is disposed of with no costs.

(M.W. CHANDWANII, J.)

(AVINASH G. GHAROTE, J.)

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