



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.189/2022

(Vijay V the State of Maharashtra and others)

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

Court's or Judge's orders

Mr. S.S. Sohoni, Advocate for petitioner.
Mr. U.A. Gosavi, Advocate for respondent nos. 5 and 6.
Mr. Ghogare, AGP for respondent nos. 1 to 4.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 29-01-2024.

Drawing support from the Government Resolution dated 19-07-2011, the contentions of the learned Counsel for the petitioner are that the initial appointment of the petitioner was on 15-04-2000, on fixed pay which was subsequently confirmed on the regular pay scale which service were duly approved by the respondents.

2. It is claimed that the respondents have failed to consider the effect of Government Resolution dated 19-07-2011 as it is urged that the petitioner is entitled for benefits under old pension scheme.

3. It is claimed that the petitioner is willing to appear before the Director (Education), who shall after hearing the petitioner, can take fresh decision in the backdrop of Government Resolution dated 19-07-2011. The learned Counsel appearing for respondent-Management submits that they have no objection in case, if the Director (Education) decides the issue afresh.

4. In view of above, we dispose of the petition with directions to the Director (Education) to treat the petition of the petitioner as an representation against the communication dated 08-07-2021 issued by Deputy Director of Education, Nagpur Division, Nagpur, and decides the issue as regards the applicability of the pension scheme as expeditiously as possible and in any case within a period of 4 months from the date of the appearance of the petitioner. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)