
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8392 OF 2012

LAXMI
SUBHASH
SONTAKKE

Digitally signed by
LAXMI SUBHASH
SONTAKKE
Date: 2025.07.21
18:36:29 +0530

Bhagwan Dhondiram Dhumal

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. S. D. Thokade for the Petitioner.

Mr. Prasad Nagargoje for the Respondent Nos. 4 and 5.

Mr. S. H. Kankal, AGP for Respondent Nos. 1 to 3.

CORAM:

**RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.**

**RESERVED ON:
PRONOUNCED ON:**

**JULY 10, 2025
JULY 21, 2025**

JUDGMENT (Per Gautam A. Ankhad, J.):

1. This Petition has been filed seeking directions to Respondent No.2 and 3 to make the payment of interest on the delayed payment of pension.

2. The Petitioner was appointed as a Clerk on 1st July, 1969 and thereafter appointed as an Assistant Teacher on 1st July, 1970 by Respondent Nos. 4 and 5. On 11th August, 1999, the Petitioner was transferred from Moha
Laxmi

to Yermala and in the relieving letter, Respondent No.6- Head Master has stated that the LPC and service book will be sent as per the demand of headmaster of Yermala School (**Page 98** of the Petition). The Petitioner has taken voluntary retirement on 1st July, 2000. Thereafter, between 2002 and 2011, several letters are addressed by Respondent Nos. 2 and 3 to Respondent Nos. 4 and 6 calling upon them to submit the papers of the Petitioner regarding voluntary retirement pension, make inquiries and fix liabilities for delayed payment of pension (**Page Nos. 60 to 69 and 74**).

3. The main objection by the Respondents is that the pension could not be paid as the Petitioner has not submitted the original service book.

4. We have heard the learned Counsels for the parties. It is not in dispute that the Petitioner has retired on 1st July, 2000 and is still awaiting his pension. The letter dated 11th August, 1999, makes it clear that the service book was to be sent by Headmaster, Moha to Respondent No.5 (Headmaster, Yermala) as per the demand of Respondent No.5. The objection of non availability of service book cannot be accepted today. The Petitioner has also drawn our attention to **Exhibit-C, Page 89** annexed by Respondent Nos. 4 and 5, wherein it is recorded that a photocopy of the service book is again

submitted by the Petitioner to Respondent Nos. 4 and 5. This clearly indicates that the photocopy is being submitted a second time by the Petitioner to Respondent Nos. 4 and 5. There was never an objection on the non submission of the original service book. The Petitioner is now 80 years old and is still awaiting his pension. The stand of Respondent Nos. 4 to 6 cannot be accepted.

5. In view of the above, the Respondents are directed to proceed with the Petitioner's pension file and make all payments along with interest in accordance with law. This exercise shall be completed within 45 days from today. So as to put an end to the controversy, we also direct the Petitioner to once again submit a photocopy of service book within a period of one week to the Respondents.

6. **The Petition is partly allowed and stands disposed off** accordingly.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]