

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

WRIT PETITION NO. 8202 OF 2009

Mokashi Shabbirkhan Chandkhant **... Petitioner**

Versus

Chairman, Shri Ramchandra

Shankar Saunde And Ors **... Respondents**

**WITH
WRIT PETITION NO. 8899 OF 2009**

Chairman, Shri Ramchandra

Shankar Saunde And Ors **... Petitioners**

Versus

Mokashi Shabbirkhan Chandkhant & Ors. **... Respondents**

Mr. Uday P. Warunjikar *a/w Mr. Sumit Kate for Petitioner in WP/8202/2009 & for Respondent in WP/8899/2009.*

Mr. Mandar Limaye *a/w Mr. Vedant Bende for Respondent Nos. 1 and 2 in WP/8202/2009 & for Petitioner in WP/8899/2009.*

CORAM : SANDEEP V. MARNE, J.

DATE : 14 FEBRUARY 2025.

P.C. :

1) These are cross Petitions filed challenging the judgment and order dated 31 August 2009 passed by the learned Presiding Officer, School Tribunal, Kolhapur Region, Kolhapur by which the management is directed to reinstate the teacher with effect from 25 June 2002 without backwages. Writ Petition No. 8899 of 2009 is filed by the School Management challenging the direction for

reinstatement whereas Writ Petition No. 8202 of 2009 is filed by the teacher to the extent of denial of backwages. Both the Petitions have been admitted. During pendency of the Petitions, the teacher Mokashi Shabbirkhan Chandkhant has passed away on 10 April 2012. The legal heirs of the deceased teacher are prosecuting and defending the present Petitions.

2) When the Petitions are taken out for final hearing, the legal heirs of the deceased teacher have fairly submitted that they are no longer interested in pressing the claim for backwages. It is submitted that the deceased teacher was appointed on 5 August 1983 and continued to work till he was terminated on 25 June 2002. It is submitted that the legal heirs would be satisfied if pension payable in respect of the deceased teacher is paid in respect of services rendered by him from 5 August 1983 till his death on 10 April 2012. The management is accordingly agreeable to the arrangement of not pressing Writ Petition No. 8899 of 2009 *qua* the direction for reinstatement. In short the deceased teacher shall be deemed to have been in service from 5 August 1983 to 10 April 2012 for the limited purpose of payment of pension and pensionary benefits. In view of the consensus prevailing between the parties, I proceed to pass the following order:

i) Judgment and order dated 31 August 2009 passed by the School Tribunal in Appeal No. 93 of 2002 is not disturbed to the extent of relief of reinstatement. The deceased teacher shall be deemed to have been reinstated in service only for the purpose of payment of pension. His service shall be counted towards qualifying service from 5 August 1983 to 10 April 2012.

ii) No backwages or any other services related benefits shall be payable by the management to the deceased teacher/ their legal heirs in respect of the period from 25 June 2002 till 10 April 2012.

iii) The management shall forward the proposal of the deceased teacher for payment of pension on the strength of qualifying service from 5 August 1983 to 10 April 2012. The Education Officer shall take decision on such proposal in an expeditious manner, preferably within a period of two months from the date of receipt of the proposal.

iv) If the deceased teacher is held eligible for pension, the arrears of pension and pensionary benefits shall be paid to the legal heirs in an expeditious manner.

3) With the above directions, both the Writ Petitions are **disposed of**.

[SANDEEP V. MARNE, J.]