

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8422 OF 2021

Anil Gangadhar Jadhav .. Petitioner

Versus

Head Master, R.M.High School, Miraj .. Respondents
& Ors.

...

Mr.Padmanabh D. Pise with Ms.Sejal A. Hariyan for the
Petitioner.

Mr.Prashant Bhavake for the Respondent No.1.

Ms.P.N.Diwan, A.G.P. for the State/Respondent.

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**CORAM: BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.**

DATED : 16th JANUARY, 2025

P.C:-

1. The Petition is based on a misconception that despite being terminated from the service, only because the termination is subjected to challenge before this Court in a writ petition filed against the order of the School Tribunal, which had upheld the termination, the Petitioner is entitled for pensionary benefit.

As clear as it would be that the pension accrues to a Government Servant, on rendering qualifying service prescribed in the service rules, upon his superannuation or

seeking voluntary retirement, as the case may be. However, upon termination/dismissal/removal, the relationship of the employee with the employer gets severed and, since, he do not continue to be in his service, the employer is not liable to disburse the pensionary benefits.

The mere fact that the termination is subjected to challenge before this Court, will not entitle the Petitioner to the benefits of pension, unless and until this Court set aside his termination and direct his reinstatement in service.

3. Since, at present, the Petition does not survive, we deem it appropriate to dismiss the same, since the Petitioner is already terminated from services. However, we confer liberty upon him to renew his prayer, dependent upon the outcome of the writ petition, raising a challenge to the termination.

The Writ Petition stands dismissed.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)