



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

WRIT PETITION NO. 3627 OF 2024

jay s/o Pundlikrao Landge Vs. Education Officer (Sec.), Zilla Parishad, Yavatmal and ors)

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

Court's or Judge's orders

Mr. Tejas Deshpande, Advocate for petitioner.
Mr. A.V. Palshikar, AGP for respondent Nos.1 and 2/State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 21-02-2025

The petition questions the communication dated 27.1.2024 (p83) issued by the respondent No. 4, whereby the claim of the petitioner, to prepare a proposal for granting him pension, has been declined to be sent to the respondent No. 2 through the respondent No. 1. Mr. Deshpande, learned Counsel for petitioner submits that though the employment of petitioner was terminated in the year 2009, however, since the petitioner has completed 24 years and 7 months of service with the respondent Nos. 3 and 4 on account of the fact that the petitioner was employed on 1.1.1985, in terms of Rule 130 of the Maharashtra Civil Services (Pension) Rules, he is entitled to grant of provisional pension.

2. Mr. Palshikar, learned AGP opposes the same contending that the said provision is not attracted.

3. It is not in dispute, that the petitioner came to be terminated from employment in the year 2009 on account of which the appeal filed by the petitioner before the School Tribunal bearing Appeal No. 85/2009 came to be dismissed by the order dated 18.2.2010 (p56) against which Writ

Petition No. 5277/2015 has been preferred by the petitioner before this Court in which on 14.9.2015 rule has been issued (p80).

4. Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982, contemplates grant of provisional pension where departmental or judicial proceedings are pending, however, the language of the Rule, indicates, that it operates, during the period of employment of the Government Servant and would not apply to a person whose services have been terminated. In that view of the matter, we are not inclined to entertain the petition, and the same is dismissed. However it is made clear that the claim of the petitioner for grant of pension would always be subject to what would be decided in Writ Petition No. 5277/2015.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede