



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

WRIT PETITION NO. 2916 OF 2024

PETITIONERS

- : 1] Smt. Nisha Wd/o Pattalwar,
Aged about 65 years, Occu. Household.
- 2] Sudesh S/o Suresh Pattalwar,
Aged about 30 years, Occu. Nil,
- Both R/o Pattalwar Line, Achalpur,
Tah. Achalpur, Dist. Amravati.

VERSUS

RESPONDENTS

- : 1] State of Maharashtra,
through its Education and Sports Deptt.,
Mantralaya, Mumbai – 32.
- 2] Deputy Director of Education,
Amravati Division, Tope Nagar,
Amravati.
- 3] Education Officer (Secondary),
Zilla Parishad, Amravati.
- 4] Subodh Secondary School (V. Mills),
Achalpur, Tah. Achalpur, Dist. Amravati,
through its Headmaster.

Mr. S. T. Harkare, Advocate for the petitioners
Mrs. Sangita S. Jachak, Addl.G.P. for respondent nos.1 to 3
Mr. Sk. Majid, Advocate for respondent no.4

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.
DATE : NOVEMBER 19, 2025.

ORAL JUDGMENT : (Per M.W.Chandwani, J.)

1. **RULE.** Rule made returnable forthwith. By consent of the learned counsels appearing for the parties, the matter is taken up for final disposal.

2. Initially, the petition was filed seeking directions to respondent no.2 – Deputy Director of Education, Amravati Division, Amravati to condone 6 months and 23 days of service of the deceased husband of petitioner no.1 for grant of pension under Rule 54 of the Maharashtra Civil Services (Pension) Rules, 1982 (hereinafter referred to as “the Rules of 1982”).

3. On 24.03.2025, learned AGP made a statement that the proposal for condoning the short fall to the tune of 6 months and 23 days in qualifying service for grant of pension of Suresh Damodar Pattalwar will be decided by respondent no.2 within one week. By the communication/order dated 29.03.2025, respondent no.2 rejected the proposal of the petitioners on the count that the Note to Rule 54 of the Rules of 1982 provides that the period of service can only be extended in case of low paid Government servants retiring on Invalid or Compensation pension.

4. Having heard the learned counsels appearing for the respective parties and having gone through the record, we are of the opinion that the finding recorded by respondent no.2 is erroneous and perverse since Rule 54 of the Rules of 1982 provides for the power of the State Government for condonation of deficiency and addition of service. Sub-Rule 1 of Rule 54 of the Rules of 1982 empowers the Government to condone a deficiency which may not ordinarily exceed one year, whereas sub-Rule 2 of Rule 54 empowers the Government to make an addition which may not ordinarily exceed one year, to the period of service qualifying for pension, performed by a retiring Government Servant. However, the Note to Section 54 restricts the power of condoning a deficiency to Government servants other than the low paid Government servants retiring on Invalid or Compensation pension under sub-Rule 1. In our opinion, this note does not create any impediment on the Government's power under sub-Rule 2 to make an addition to the period of service performed by a retiring Government servant qualifying for pension.

5. Undisputedly, the deceased husband of petitioner no.1 was not a low paid Government servant. He was working as Librarian and as such, the case of the petitioners would be governed by Rule

54(2) of the Rules of 1982. The petitioners require addition of service of 6 months and 23 days to make the service of the husband of petitioner no.1 qualify for pension. Therefore, the Government is empowered under Rule 54 (2) of the Rules of 1982 to make an addition to the period of service qualifying for pension. A reference can be made to the decision of this Court in the case of *Arun Kesharao Dhobe .vs. State of Maharashtra and others* in *Writ Petition NO. 4581 of 2019 (Bench at Nagpur)*, decided on 12.02.2020.

6. In wake of the above, we are of the considered opinion that the finding recorded by respondent no.2 that the Government has no power to make addition to the period of service qualifying for pension cannot be sustained.

7. Accordingly, the writ petition is allowed.

i] The impugned communication/order dated 29.03.2025 issued by respondent no.2 – Deputy Director of Education, Amravati Division, Amravati is set aside.

ii] The matter is remanded to respondent no.2 – Deputy Director of Education, Amravati with a direction to reconsider the

case of the petitioners in light of the observations made in this judgment.

iii] Respondent no.2 – Deputy Director Education, Amravati shall reconsider the request of the petitioners within a period of three months from the date of receipt of this order.

8. Rule is made absolute in the aforesaid terms. The writ petition stands disposed of. No order as to costs.

(M.W.CHANDWANI, J.)

(SMT. M.S.JAWALKAR, J.)

Diwale