

(1994) 02 BOM CK 0010

In the Bombay High Court

Case No : Writ Petition No. 2923 of 1993

Balwant Thedger

APPELLANT

Vs

V. Nagpur University, Nagpur and Others

RESPONDENT

Date of Decision : 04-02-1994

Acts Referred:

Citation : (1994) 02 BOM CK 0010

Hon'ble Judges : G.D. Patil, J; Dhabe, J

Bench : Division Bench

Judgement

H.W. Dhabe, J.—Parties by counsel, Rule returnable forthwith.

The petitioner claims that although he is retired long back, no retirement benefits are given to him by the respondent-University. The facts are that the petitioner was working in the Printing Press of the respondent University as Class IV employee. He retired from service on 30-9-1991. It is his case that since then he has been representing to the University about giving him retirement benefits which have not been given to him unit now. He has, therefore preferred the instant writ petition in this court.

2. The question to be considered in this writ petition is whether the petitioner is entitled to the pensionary benefits which are payable to the employees of the University. It appears from the letter dated 4-10-1991 addressed to the Manager of the Nagpur University Press by the Regional Provident Fund Commissioner that since the University has extended the pensionary benefits to all the employees working in the University Press was allowed to go out of the purview of the Employees' Provident Fund Act with immediate effect. It is then necessary to see that the legal Advisory Committee of the University has given an opinion to the University as per the minutes of its meeting held on 18-11-1991 that till the State Government takes over the responsibility for funding the pensionary benefits Press, the University should apply the Pension-cum-Gratuity scheme, of the University to the employees of the University Press as per Court's order, since the University Press is allowed to go out of the Purview of the Employees

Provident Fund Scheme under the Employees Provident Fund Act as per the letter of the regional Provident Fund Commissioner dated 2-5-1991. It then appears that the Executive Council of the University has, in its meeting on 18-1-1992, accepted the above opinion of its Legal Advisory Committee. However, it further appears that the sanction of the Government is necessary for application of the pension-cum-Gratuity Scheme of the University to the employee of the University Press for which the University has addressed a letter to the State Government on 22-1-1992 for according such sanction, particularly in view of the judgment of this Court referred to therein. The State Government has, however, not considered the said question uptill now, because of which the payment of pension-cum-gratuity to the petitioner under the scheme of the University is delayed. It is necessary that in such matter the Government should take decision as early as possible.

3. We, therefore, direct the state Government to take decision about the application of pension-cum-gratuity scheme of the University to the employees of the University Press with effect 1-4-1986, within two months from the date this order.

After the decision of the State Government, the University should take decision in the matter of grant of pension-cum-gratuity to the petitioner, within one month thereafter. Rule in the above terms. No order as to costs.