

(2026) 08 BOM CK 1421
In the Bombay High Court
Case No : WRIT PETITION NO. 1542 OF 2026

Chetna Rajput

APPELLANT

Vs

Modern Education Society Thr. Its Secretary & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Constitution of India — Article 226
Payment of Gratuity Act, 1972
Maharashtra Civil Services (Pensions) Rules, 1982 — Rule 111 (1), 30, 39, note 1 below Rule 51
MEPS Rules — Rule 19

Citation : (2026) 08 BOM CK 1421

Hon'ble Judges : Aarti Sathe, J;G. S. Kulkarni, J

Bench : Division Bench

Advocate : Ms. Srushti More a/w Mr. Ganesh Pandit i/by Mr. Vaibhav Kulkarni, Advocates for Petitioners, Ms. Raufa Shaikh a/w Ms. Pooja Chavan, i/by Ms. Neha Wadekar, Advocates for Respondent Nos. 1 and 2, Mr. P. P. Kakade, Addl. GP a/w Ms. Priyanka Chavan AGP for Respondents-State

Final Decision : Disposed Of

Judgement

Oral Judgment:- (Per: Aarti Sathe, J) :-

1. Rule. Rule made returnable forthwith. With consent of parties taken up for final hearing.
2. This petition under Article 226 of the Constitution of India has been filed praying for the following substantive reliefs:

“a) Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing and setting aside the impugned Order dated 24.07.2025 passed by Respondent No. 5 - Accountant General, Maharashtra;

b) Issue a Writ of Mandamus or any other appropriate writ, order or direction and direct the Respondents to treat the service of the Petitioner as continuous and qualifying service for the purpose of pension and gratuity in view of the judgement passed by the coordinate bench of this Hon'ble High Court in Writ Petition No. 5421 of 2017 (Darshana

v. The State of Maharashtra, through its Secretary, Department of School Education & Ors.) (Citation: 2018 SCC OnLine Bom 21385) (Marked as EXHIBIT-K);

c) Issue a Writ of Mandamus or any other appropriate writ, order or direction and direct Respondent Nos. 1 to 6 to forthwith process sanction and release the pensionary benefits and gratuity payable to the Petitioner along with interest;”

3. The primary grievance of the Petitioner in the present petition is against the letter/order dated 24th July 2025 issued by the Respondent No. 5 namely, Accountant General, Maharashtra, addressed to Respondent No. 4 i.e. Deputy Director of Education, thereby denying the benefits of retirement, gratuity, etc. to the Petitioner on the ground of non-eligibility of the Petitioner.

4. Briefly, the facts are as under:

(i) The Petitioner has completed her Master’s degree in Hindi and has also acquired a B. Ed. Degree.

(ii) On 14th July 1998, an advertisement was published in the daily newspaper “Loksatta” by Respondent No. 1 inviting applications for recruitment for the post of part-time Teacher in the subject Hindi. The said post was 100% aided and duly sanctioned.

(iii) On 20th July 1998, the Petitioner was appointed on a part-time Teacher’s post for a period from 20th July 1998 to 15th April 1999 and the said appointment was ratified by the Regional Deputy Director of Education, Pune. On 25th July 2000, the Petitioner was appointed as a part-time Teacher (Shikshan Sevak) at Ness Wadia College of Commerce, Pune, and her appointment was approved by the Regional Deputy Director of Education, Pune. It is the Petitioner’s contention that from 25th July 2000, she was also concurrently appointed as a part-time Teacher at Respondent No. 2 College and at Ness Wadia College of Commerce. The Respondent No. 2 College and Ness Wadia College of Commerce, Pune are managed and administered by Respondent No. 1 i.e. Modern Education Society, Pune.

(iv) In May 2016, the full-time sanctioned post of Assistant Teacher in Hindi fell vacant upon the superannuation of one Dr. Lata Rokade. Since, the Petitioner was the senior-most teacher in Hindi, she was appointed by Respondent No. 1 on full time basis for the sanctioned post of Assistant Teacher, and the said appointment was duly ratified by the Regional Deputy Director of Education, Pune.

(v) On 27th September 2023, as the Petitioner was nearing the age of superannuation, she addressed a letter of even date to Respondent No. 1 requesting computation and release of her gratuity amount upon her retirement. The Petitioner superannuated from service and was issued a relieving letter to that effect by the in-charge Principal of Respondent No. 1 on 30th September 2023.

(vi) Thereafter, the Petitioner repeatedly approached Respondent Nos. 1 and 2

requesting them to process her pension papers and release gratuity payable under the Payment of Gratuity Act, 1972. Though assurances were initially given, the same were not honored. Ultimately, the Petitioner was orally informed that she was not entitled to pensionary and gratuity benefits on the alleged grounds that she was a temporary employee.

(vii) Being aggrieved by the inaction on the part of the Respondent No.1 in forwarding the Petitioner's pension papers and gratuity papers, the Petitioner filed Writ Petition No. 11027 of 2024 in this Court, and by judgment/order dated 28thMarch 2025, passed by a Co-ordinate Bench of this Court, the aforesaid writ petition was allowed, and it was categorically held therein that Respondent No. 1 to 3 has deliberately harassed the Petitioner by not processing her gratuity and pension papers. By way of the aforesaid judgment/order, this Court also directed Respondent Nos. 1 and 2 to release the gratuity amount due to the Petitioner within thirty days from the date of the said order along with interest and further directed Respondent Nos. 1 and 2 to take steps to process the pension papers of the Petitioner and expedite the process to ensure that the pensionary benefits would be released to the Petitioner at the earliest.

(viii) On 28thApril 2025, Respondent No.2 issued Cheque No. 0001580 drawn on Bank of Baroda for an amount of Rs. 4,21,043/- in favor of the Petitioner in compliance of the judgment/order dated 28thMarch 2025 in Writ Petition No. 11027 of 2024 towards payment of gratuity.

(ix) On 24thJuly 2025, by letter/communication of even date Respondent No. 5 - Accountant General, Maharashtra held the Petitioner to be ineligible for the retirement gratuity and pensionary benefits. (hereinafter referred as "impugned letter/communication").

(x) It is the Petitioner's contention that the full compliance of the judgment/order dated 28thMarch 2025 passed in Writ Petition No. 11027 of 2024 has not been done so far particularly in respect of her eligibility for retirement gratuity and pensionary benefits, and hence, Petitioner filed Contempt Petition No. 821 of 2025 in Writ Petition No. 11027 of 2024 due to non-compliance of the judgment/order dated 28th March 2025.

(xi) On 7thJanuary 2026, the aforesaid Contempt Petition No. 821 of 2025 was withdrawn by the Petitioner with liberty being granted to her to file a fresh Writ Petition challenging the impugned letter /communication dated 24th July 2025.

(xii) It is in the backdrop of the aforesaid facts that the Petitioner has filed the present petition.

5. Ms. Srushti More along with Mr. Ganesh Pandit instructed by Mr. Vaibhav Kulkarni appeared on behalf of the Petitioner. Ms. Raufa Shaikh along with Ms. Pooja Chavan instructed by Ms. Neha Wadekar appeared on behalf of Respondent No.1 and 2. Mr. P.P.Kakade, Addl. GP along with Ms. Priyanka Chavan, AGP appeared on behalf of the State.

6. At the very outset, learned Counsel on behalf of the Petitioner submitted that the issue involved in the present case stands covered by the decisions of this Court in *Darshana v. State of Maharashtra & Ors.*¹ and also by various other decisions. Learned Counsel on behalf of the Petitioner has also submitted that, considering that this is the third round of litigation, insofar as the present Petitioner is concerned, it appears that there is a serious attempt on the part of Respondents to not release the pension and gratuity benefits to the Petitioner. She, therefore, submitted that the impugned letter/communication dated 24th July 2025, is arbitrary and has been passed in a mechanical manner without considering that the Petitioner has been in long and continuous services from 20th July 1998.

7. The impugned letter/communication dated 24th July 2025 has wrongly sought to place reliance on Rule 111 (1) of the Maharashtra Civil Services (Pensions) Rules, 1982 (for short "MCS (Pension) Rules") to exclude the long years of approved service of the Petitioner, and to hold that the Petitioner has rendered only 4 years, 3 months and 13 days of regular service without appreciating that the Petitioner was in part-time service since 20th July 1998. It is further the contention of the learned Counsel on behalf of Petitioner that part-time services have to be considered while calculating the pensionary benefits. She therefore submitted that the action of Respondent No. 5 in issuing the impugned communication/letter dated 24th July 2025 was arbitrary and without mandate of law. She further also pointed out from paragraph 8 of the petition that the Petitioner has been in long service from 20th July 1998 to 30th September 2023 (her date of superannuation). The relevant paragraph is reproduced below: -

"8. It is submitted that a full-time sanctioned post of Assistant Teacher in the subject of Hindi fell vacant in May, 2016 upon the superannuation of one Dr. Lata Rokade. The Petitioner being the senior-most teacher in the Hindi subject was entitled to be considered for the said post. Accordingly, on 10.06.2019 the Respondent No.1 appointed the Petitioner on a full-time basis on the sanctioned post of Assistant Teacher by following the due procedure. The said appointment was also ratified by the Regional Deputy Director of Education, Pune. A copy of appointment letter dated 10.06.2019 is hereto annexed and marked as EXHIBIT-C. The details of the appointment orders issued in favour of the Petitioner are reproduced as under: -

Sr. No.	Dates	Letter No.	Events and Particulars
1.	20.07.1998	A-6/AJC/94	Appointment order received for Part-Time Teacher for Academic year 1998-1999 w.e.f. 20.07.1998. Joining Date: 31.07.1998
2.	16.04.1999 to 15.07.1999		Break in service
	29.10.1999		First Increment

3.	16.07.1999	A-6/AJC/77	Appointment order received for Y Teacher for Part-Time
			Academic year 1999-2000 w.e.f. 16.07.1999.
4.	16.04.2000 to 17.07.2000		Second increment
5.	18.07.2000	A-6/AJC/80	Appointment order received for Part-Time Teacher Academic year 2000-2001 w.e.f. 18.07.2000
	03.05.2001 to 19.06.2001		Break in service
	17.03.2002		Third increment
6.	20.06.2001	A-6/AJC/41	Appointment order received for Part-Time Teacher for Academic year 2001-2002 w.e.f. 20.06.2001
7.	20.06.2002	A-6/AJC/74	Appointment order received for Part-Time Teacher for Academic year 2002-2003 w.e.f. 20.06.2002
8.	20.06.2003	A-6/AJC/49	Appointment order received for Part-Time Teacher for Academic year 2003-2004 w.e.f. 23.06.2003
9.	11.06.2004	A-6/AJC/61	Appointment order received for Part-Time Teacher for Academic year 2004-2005 w.e.f. 14.06.2004
10.	08.06.2005	A-6/AJC/78	Appointment order received for Part-Time Teacher for Academic year 2005-2006 w.e.f. 10.06.2005
11.	10.06.2006	A-6/AJC/42	Appointment order received for Part-Time Teacher for Academic year 2006-2007 w.e.f. 12.06.2006
12.	15.06.2007	A6/AJC/42/504	Appointment order received for Part-Time Teacher for Academic year 2007-2008 w.e.f. 15.06.2007

13.	16.06.2008	A-6/AJC/	Appointment order received for Part-Time Teacher for Academic year 2008-2009 w.e.f. 16.06.2008
14.	15.06.2009	A6/AJC/121(A)	Appointment order received for Part-Time Teacher for Academic year 2009-2010 w.e.f. 15.06.2009
15.	15.06.2010	A-6/AJC/20(A)	Appointment order received for
			Part-Time Teacher for Academic year 2010-2011 w.e.f. 15.06.2010
16.	15.06.2011	A-6/AJC/39B	Appointment order received for Part-Time Teacher for Academic year 2011-2012 w.e.f. 15.06.2011
17.	15.06.2012	A-6/AJC/39(a)	Appointment order received for for Part-Time Teacher Academic year 2012-2013 w.e.f. 15.06.2012
18.	15.06.2013	A-6/AJC/30(a)	Appointment order received for Part-Time Teacher for Academic year 2013-2014 w.e.f. 15.06.2013
19.	16.06.2014	A-6/AJC/35A	Appointment order received for Part-Time Teacher for Academic year 2014-2015 w.e.f. 16.06.2014
20.	15.06.2015	A-6/AJC/26(A)	Appointment order received for Part-Time Teacher Academic for year 2015-2016 w.e.f. 15.06.2015
21.	15.06.2016	A-6/AJC/32(A)	Appointment order received for Part-Time Teacher Academic for year 2016-2017 w.e.f. 15.06.2016
22.	15.06.2017	A-6/AJC/50	Appointment order received for Part-Time Teacher Academic year for 2017-2018 w.e.f. 15.06.2017

23.	15.06.2018	A-6/AJC/35A	Appointment order received for Part-Time Teacher Academic year for 2018-2019 w.e.f. 15.06.2018
24.	10.06.2019		A-31/AJR/JR/131/1 Appointment order received for full Time Assistant Teacherw.e.f. 17.06.2019
25.	30.09.2023	A-16/RTD/	Office Order received for of duties relieving (Superannuation)

8. She submitted that the appointments of the Petitioner were approved on a year-to-year basis as was evident from the chart reproduced above. She therefore submitted that the impugned letter/communication dated 24th July 2025, be quashed and set aside and the Petitioner's pensionary benefits and gratuity be paid along with interest to her.

9. Per contra, learned Addl. G.P on behalf of the Respondents sought to place reliance on the affidavit filed by Dr. Ganpat Shankarrao More, Deputy Director of Education, Pune Region, to contend that the present petition is misconceived and the impugned letter/communication dated 24th July 2025 had been rightly issued by Respondent No. 5. His primary contention is that there was break in service insofar as the present Petitioner was concerned from 16th April 1999 to 15th July 1999, and further from 16th April 2000 to 7th July 2000, and thereafter from 3rd May 2001 to 19th June 2001. It was also contended that since the Petitioner was concurrently working on part-time basis at Ness Wadia College, Pune, the approval of the post at Ness Wadia College, Pune had not been supplied by the Petitioner to contend that her service therein should be counted for the purposes of the pensionary benefits. The relevant paragraphs of the aforesaid affidavit are reproduced as below: -

"4. I say that, by way of present petition the Petitioner claiming pensionary benefits from the Respondent State. I say that, initial appointment of the Petitioner is of 31.07.1998 as part-time teacher in Nowrosjee Wadia College Pune. I say that, till 2019 the petitioner was working as part-time teacher and thereafter transferred to full-time teacher in the year 2019. I say that, thereafter the Petitioner retired from the service in the year 2023. I say that, it is contention of the petitioner in the petition that, Petitioner was working in two colleges run by the Respondent management i.e. Nowrosjee Wadia College and Ness Wadia College of commerce thereby discharging full-time workload of 18 teaching hours per week. I say that, the Petitioner's initial appointment was made on 31.07.1998 in the Nowrosjee Wadia College Pune as part-time teacher. I say that, as per the record available with the office of answering Respondent, the Respondent has granted approval to the part-time post of the Petitioner in Nowrosjee Wadia College. I say that, said approvals were granted on year-to-year basis. I say that, it is further contention of the petitioner that, Petitioner was concurrently working on part-time basis in Ness Wadia College Pune also and was allegedly discharging a fulltime work load of 18 teaching hours per week. I say that it is contended by the petitioner that, said appointment in Ness

Wadia College was also approved by the office of answering Respondent. However as per the record available with the office of answering Respondent, there is no approval to the said alleged appointment in Ness Wadia College Pune. However, I say that, it is worth noting that, such contention was never raised by the Petitioner before the office of answering Respondent and same is raised for the first time in the writ petition. I say that, along with the proposal the Petitioner or said school management did not attach any document about the alleged appointment as part time in two institutions or has not attached approval of the alleged post at Ness Wadia College Pune. I say that, even along with the present petition the Petitioner has attached order of appointment in Nowrosjee Wadia College of 1998-1999 and alleged appointment order of Ness Wadia College of 1999-2000, except these two documents the Petitioner has not produced single document showing that, she was working on both posts and there was approval to the said posts from the office of answering Respondent. Hence said contention of the petitioner is after thought and cannot be considered for granting pensionary benefits to the Petitioner as alleged by the Petitioner.

5. I further say that, it is contention of the Petitioner herself that, there were breaks in service. I say that, as per the petition break in service was from 16.04.1999 to 15.07.1999; further from 16.04.2000 to 17.07.2000; further from 03.05.2001 to 19.06.2001 and it is vaguely contended that, such breaks cannot be considered for refusing pensionary benefits. Hence contentions of the Petitioner are self-contradictory. I say that, in view of the said facts and circumstances the Respondent No.5 has rightly refused to entertain the claim of the petition. Hence the petition is not maintainable and deserves to be dismissed."

10. In view of the aforesaid it was submitted that the present petition deserves to be dismissed.

ANALYSIS

11. We heard learned counsel on behalf of the parties and perused the papers with their assistance, and we proceed to decide the present petition.

12. At the very outset, we are of the view that the present petition deserves to succeed inasmuch as the impugned letter/communication dated 24th July 2025 has wrongly applied the provisions of Rule 111 (1) of the MCS (Pension) Rules to contend that the Petitioner had not completed 5 years of regular service. In the facts of the present case and as seen from the chart reproduced in paragraph (5) above the Petitioner was in service (part-time and full-time) from 20th July 1998 up to 30th September 2023 till she superannuated. Though the Petitioner may have had two/three breaks in services, however, from the year 2001 up to the year 2023, there were no breaks in services, and the appointment of the Petitioner was approved on a year-on-year basis which is an undisputed fact. This, quite clearly, demonstrates that even if the breaks in service, which were only for brief periods, are taken into consideration, the Petitioner had rendered uninterrupted and continuous qualifying service for a period exceeding five years, and hence, the invocation of Rule 111 (1) of the MCS (Pension) Rules, is arbitrary and incorrect position which has been sought to be adopted by Respondent No. 5 to deny the benefits of the pension and gratuity to the Petitioner.

13. We are, further in agreement with the submissions made by the learned Counsel on behalf of the Petitioner that while determining retirement gratuity and pensionary benefits, part-time services have to be included to determine the length of service of the Petitioner. This Court has consistently adopted the aforesaid view and the reliance by learned Counsel on behalf of the Petitioner on the decision of *Darshana v. State of Maharashtra* (supra) would be applicable to the facts of the case. The relevant paragraphs of the aforesaid decision are reproduced below:

"5. We find that the controversy involved in the present matter is covered by several decisions of this Court. The first decision is in the case *Jyoti Prakash Chougule v. State of Maharashtra*, delivered by the Division Bench consisting of S.C. Dharmadhikari and K.R. Shriram, JJ. in Writ Petition No. 2354 of 2012 on 7-1-2013. Para 2 of the said decision deals with the relief claimed in the petition and the same is reproduced below :

"2] By this petition under Article 226 of the Constitution of India, the petitioner prays for issuance of a writ of mandamus or any other appropriate writ order or direction directing the respondents Nos. 1 to 4 to grant superannuation pension by counting one half of service of 5 years, five months fifteen days part time Assistantteacher along with service of eight years, seven months as full time assistant teacher, so as to enable her to qualify for superannuation pension."

6. After considering several decisions, including the decisions of the Apex Court and the rules applicable, it is held in para 13 as under:

"13] Once the very State Pension Rules are applicable to teachers in terms of the Rule 19 of the MEPS Rules, then, we are of the view that the above principle will apply in the present case. Hence, we direct the respondent No. 2 Accountant General to consider the case of present petitioner for giving pensionary benefits in view of the above rule and to decide the entitlement within four months from the date of receipt of copy of this order. The necessary arrears which the petitioner is entitled to should be accordingly paid. If any monetary benefits have to be refunded, the said Respondent No. 2 to make an appropriate order in that behalf and the petitioner to abide by the same."

7. The same view is taken by another Division Bench consisting of S.S. Shinde and V.K. Jadhav, JJ. in Writ Petition No. 8289 of 2013 [*Shali w/o Asaram Akkarbote v. State of Maharashtra*] decided on 29-4- 2014. Para 3 of the said decision deals with the relief claim in the petition, which is reproduced below:

"3. This Writ Petition is filed with prayer seeking direction to the respondents to count the services of the petitioner as part-time Librarian, as qualifying service for the purpose of grant of benefits."

8. After taking into consideration several decisions, including the aforesaid decision in the case of *Shalini w/o Asaram Akkarbote v. State of Maharashtra*, cited supra, it is held in para 11 as under:

"11. In the facts of the present case also, indisputably the petitioner herein has rendered services as part-time Librarian with respondent no. 4- School from 24.08.1982 to 30.07.1997 and from 01.08.1997 as full-time Librarian till the date of her superannuation i.e. 30.04.2004. Therefore, the services rendered by the petitioner as a part-time Librarian, half of the period of said services will have to be taken into consideration in addition to the period for which the petitioner has worked as full-time Librarian, and accordingly, the petitioner will have to be held entitled for the pensionary benefits."

9. Thereafter, different Benches of this Court have reiterated the same view, and the ultimate ratio is that 50% of the part-time service rendered is required to be counted for the purposes of determining the pensionable service along with the full-time service rendered by an employee.

10. In view of above, the petitioner is entitled to the reliefs claimed in the petition, for the reason that 50% of the service rendered by her husband from 1998 to 2009 is to be counted for the purposes of pension along with full-time service rendered from 1-2-2009 to 24-10- 2016. Thus, the deceased-employee becomes entitled to pension in accordance with law.

11. In the result, this petition is allowed. The communication dated 23-5-2017 at Annexure-X to the petition, issued by the respondent No. 2- Office of the Accountant General, Nagpur, is hereby quashed and set aside. It is declared that the petitioner is entitled to family pension, as her husband had completed the qualifying service of ten years so as to get the pension. We direct the respondents to calculate the pensionary benefits available to the petitioner within a period of one month from today after taking into consideration the half of the part-time service and complete service as Full Time Librarian in terms of this judgment and to pay her the entire arrears within a period of one month thereafter.”

(emphasis supplied)

14. This Court has also in the decision of *Sulbha Ramesh Kulkarni v. State of Maharashtra* taken a view that part-time services have to be necessarily included while determining the retirement gratuity and pensionary benefits, and the same cannot be ignored for the purposes of calculating the aforesaid benefits. The relevant paragraphs of the decision in *Sulbha Ramesh Kulkarni* (supra) are reproduced below: -

“6. At the outset, the parties are at ad idem that the controversy involved in the present petition is covered by a series of judgments rendered by this Court in the following cases:

- a. *Shivappa s/o Bhujanappa Bembele Vs. State of Maharashtra* – 2005(3)-Mh.L.J.-709.
- b. *Jyoti Prakash Chaugule Vs. State of Maharashtra* – WP.2354/2012.
- c. *Shalini w/o Asaram Akkarbote Vs. State of Maharashtra* – WP.8289/2013.
- d. *Rohini Shashikant Oak Vs. State of Maharashtra and others* – WP.5268/2025.
- e. *Mone Rashmi Shriram Vs. State of Maharashtra and others* - WP.13220/2016.
- f. *Darshana Adikrao Gaikwad Vs. State of Maharashtra and others* – WP.5421/2021. g. *Prema Herkal Vs. State of Maharashtra* -WP.3719/2019.
- h. *Purushottam Shirsekar Vs. State of Maharashtra* – WP.2538/2021.
- i. *Vina Upasani Vs. State of Maharashtra* -WP.3386/2021.
- j. *Vanita Bhadule Vs. State of Maharashtra* – WP(L).18703/2024.

7. In the aforesaid decisions, a consistent view has been taken that the part time service rendered by an employee is required to be considered for calculating pensionable service period and the date of appointment as part time Librarian has to be taken into consideration for the same. The provisions of the Pension Rules and more particularly Rules 30, 39, note 1 below Rule 51 of the Pension Rules being applicable to the Petitioner and she is entitled to the old pension scheme and pensionary benefits according thereto. Considering the aforesaid settled legal position and undisputed position agreed by both

the learned counsel that the aforesaid decisions cover the case of the Petitioner in the present petition, we deem it appropriate to pass the following order, which will meet the ends of justice.” (emphasis supplied)

15. We are therefore, of the firm view that the present petition deserves to be allowed, and the Petitioner is forced to approach this Court for her legitimate pension and gratuity dues. Learned Counsel appearing on behalf of the Petitioner has further submitted that gratuity dues are payable to the Petitioner by Respondent Nos. 1 and 2, pursuant to the judgment/order dated 28th March 2025 passed by this Court, have remained unpaid. It is submitted that the Petitioner would furnish a representation in respect of the aforesaid pending gratuity to the Respondent Nos. 1 and 2 and Respondent Nos. 1 and 2 will in turn furnish a calculation in respect of the unpaid gratuity to the Petitioner.

16. Considering the aforesaid settled position in law and the facts of the case we have no hesitation in holding that the Petitioner would be entitled to the retirement gratuity and pensionary benefits, and the impugned communication/letter dated 24th July 2025 has been issued contrary to the mandate of law. We, therefore, intend to pass the following order which will meet the ends of justice:

ORDER

- i. The impugned letter/communication dated 24th July 2025 passed by Respondent No.5 is hereby quashed and set aside.
- ii. Respondent Nos. 1 to 6 to sanction and release the pensionary benefits and gratuity payable to the Petitioner considering her part-time services while calculating her tenure of service along with the interest within a period of four weeks from the date this order is made available to the said Respondents by the Petitioner.
- iii. The representation which the Petitioner would make to Respondent Nos. 1 and 2 in respect of the unpaid gratuity dues pursuant to the judgment/order of this Court dated 28th March 2025 be decided within a period of four weeks from the date this order is made available to the said Respondents by the Petitioner.
- iv. Any deficiency memo in respect of the aforesaid representation made by the Petitioner in respect of the unpaid gratuity be furnished to the Petitioner prior to deciding the representation by Respondent Nos. 1 and 2.
- v. Let all parties be heard and all rights and contentions in respect of the aforesaid representation are expressly kept open.
- vi. Rule made absolute in aforesaid terms.
- vii. Writ Petition disposed of in the aforesaid terms. No costs.

FOOTNOTES

1. 2018 SCC OnLine Bom 21385
2. WRIT PETITION NO.6245 OF 2026