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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2343/2003

Maharashtra Rajya Mahavidyalayain
Va Tantrik Sanstha Karmachari Sangh,
through its Secretary & others.

...Petitioners..

Versus

Padmashri Dr.V.V. Patil Foundation,
Viladghat, through its
Hon.Secretary & others.

...Respondents...

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Shri L.V. Sangit, Advocate for petitioners.

Shri V.D. Hon, Senior Advocate i/by Shri A.V. Hon,
Advocate for respondent nos.1 & 2.

Shri S.G. Sangle, AGP for respondent nos.3 to 5.

Shri Alok Sharma, Advocate for respondent no.6.

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WRIT PETITION NO.4801/2003

Pramod Vitthal Kharmale & others.

...Petitioners..

Versus

The State of Maharashtra & others.

...Respondents..

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Shri A.R. Shinde, Advocate for petitioners.

Shri G.K. Thigale, AGP for respondent nos.1 & 2.

Respondent no.3 served.

Shri V.D. Hon, Senior Advocate for respondent nos.4 & 5.

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WRIT PETITION NO.3245/2006

Ramdas Dattatraya Pise & others.
...Petitioners..

Versus

Padmashri Dr.V.V. Patil Foundation,
Through its Hon.Secretary & others.
...Respondents..

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Shri C.K. Shinde, Advocate for petitioners.
Shri V.D. Hon, Senior Advocate for respondent nos.1 & 2.
Shri S.G. Sangle, AGP for the State.

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**CORAM: S.V. GANGAPURWALA &
A.I.S. CHEEMA, JJ.**

DATE: 06.05.2015

ORDER :

- 1] Heard learned counsel for the parties.
- 2] In Writ Petition No.3245/2006, it is submitted that except petitioner no.4, all other petitioners have settled the matter with the respondent – institution and this writ petition survives to the extent of petitioner no.4 only.
- 3] In Writ Petition No.2343/2003, it is submitted that petitioner nos.3, 10, 12, 15, 18, 22, 24, 27 and 31 have

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settled the matter. As such this writ petition does not survive as far as these petitioners are concerned. In this petition, petitioner nos.16, 38 and 45 are dead. Hence, this petition stands abated as against these dead petitioners.

4] In all these writ petitions, the petitioners were serving as members of the teaching / non-teaching staff with the respondent – institution. All the petitioners herein are claiming benefit of Fifth Pay Commission.

5] When the matters had come up for hearing, the learned Senior Counsel for the respondent – institution Shri V.D. Hon took instructions from the respondent – institution and states that the respondent – institution is ready to accord benefits of Fifth Pay Commission to the petitioners with effect from 1.1.1999 till the closure of the institution i.e. upto 31.12.2005.

6] Learned counsel for the petitioners, on instructions, submit that if the amount is paid expeditiously, then the petitioners would accept the benefit of Fifth Pay Commission from 1.1.1999 till 31.12.2005 or the date of retrenchment, whichever is earlier.

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7] In the light of the fact that the matters are amicably settled between the parties, we pass the following order.

8] The respondent - institution shall pay to the petitioners the benefit of Fifth Pay Commission with effect from 1.1.1999 till 31.12.2005 or the date of their retrenchment, whichever is earlier. Said payment shall be made to the petitioners expeditiously as per chart supplied by the respondent - institution to the petitioners and within a period of one month from today.

9] Writ Petition No.2343/2003 stands abated as far as petitioner nos.16, 38 and 45 are concerned.

10] Rule is made absolute partly accordingly, however, with no order as to costs. Civil Application No.5522/2009 in Writ Petition No.3245/2006 also stands disposed of.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)