

UNREPORTED
IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO.2787 OF 2015.

Shantaram S/o Dharma Bagul,
Age 64 years, Occ.Retired,
R/o Plot No.12, "Dharmaphul"
Near College, Dhule Road,
Chalisgaon, Taluka Chalisgaon,
Dist.Jalgaon. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai-32.
2. The Director of Higher
Education, Maharashtra State,
Central Building, Pune.
3. The Joint Director of Higher
Education, Jalgaon Regional
Office, Jeevan Pradhikaran
Building, Near Akashwani
Kendra, Jalgaon. ... Respondents.

...

Mr.N.B.Suryawanshi, advocate for the Petitioner.
Mr.D.B.Bhange, Asstt. Govt. Pleader for the
State. ...

CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.

Date : 11.03.2015.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

2. Mr.Suryawanshi, learned counsel for the petitioner submits that the petitioner attained the age of 60 years on 31.5.2011, and that was the original date of retirement. However, in view of the Government Resolution, the age of retirement of the Principal was extended to 62 years subject to certain conditions. The proposal was also forwarded. However, the decision was taken late by the Respondent -Authority and it is only on 9.7.2012 the Government directed extension of age of retirement of the Petitioner. The Petitioner, thereafter joined. However, the petitioner is not paid salary from 1.6.2011 to 30.9.2012. According to the learned counsel, the principle of "*no work no pay*" is not applicable in this case. The learned counsel relies on the judgment

of the Apex Court in a case of **"State of Uttar Pradesh Vs. Dayanand Chakrawarti and others"** reported in **(2013) 7 SCC 595**. According to the learned counsel, even the Petitioner is entitled for two annual increments, which are also not paid.

3. We have heard learned AGP also.

4. In view of the judgment of the Apex Court in the case of **"State of Uttar Pradesh Vs. Dayanand Chakrawarti and others"** (supra), the issue is no longer res-integra. As the decision has been taken late by the Government, the Petitioner can not be deprived with the salary for a period from 1.6.2011 to 30.9.2012.

5. In light of the above, we pass the following order :

a) The Respondents shall pay the salary to the Petitioner for the period from 1.6.2013 to 30.9.2012, as applicable expeditiously, preferably within a period of four months.

b) As far as annual increments are concerned, the Respondent - State shall take a decision on the representation made by the Petitioner within a period of four months, and if found eligible, shall pay the same to the Petitioner.

c) Rule is accordingly made absolute in above terms. No costs.

(V.L.ACHLIYA, J.)

(S.V.GANGAPURWALA, J.)

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