

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11235 OF 2014

CHANDRAKANT DIGAMBARRAO CHIDRAWAR AND ANOTHER
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Gunale V.D.
 AGP for the Respondents State: Mr. K. J. Ghute Patil
 Advocate for respondent No.4 : Mr. S. S. Chillarge

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

DATE : 30th January, 2015

PER COURT :

1. Limited grievance is made in the present writ petition. Though the petitioners were given benefit of extension of age of retirement from 60 to 62 years, they are not paid salary for the period they attained age of 60 years till the period the orders were issued giving them benefit of extension of age of retirement. According to the learned counsel, the petitioners are entitled to the salary for the said period. The delay in issuance of order of extension of age is at the behest of respondents. The learned counsel relies on the judgment of Apex court in the case **State of Uttar Pradesh Vs. Dayanand Chakrawarthy & others** reported in **(2013) 7 SCC 595**.

2. The issue involved in the present writ petition is no longer *res integra* in view of the judgment of the Apex Court in the case of State of U.P. referred supra. The dates are not disputed. The petitioner No.1 completed age of 60 years on 1st December, 2011, the petitioner No.2 on 1st September, 2012. The orders were issued by the respondent

authorities giving them benefit of extension of age of retirement on 20th March, 2013. Salary for the period from 01.12.2011 in case of petitioner No.1 and from 01.09.2012 in case of petitioner No.2 till 20th March, 2013 has not been paid. As the delay was not on the part of petitioners, the petitioners shall be entitled to the salary for the said period as is held by the Apex Court in the case of State of U.P. referred supra.

3. Learned counsel for the respondent- employer states that the salary bills are already submitted. In light of that, the respondents shall process the salary bills in respect of the petitioners for the period from 1.12.2011 in case of petitioner No.1 and from 01.09.2012 in case of petitioner No.2 till 20th March, 2013 and If there is no other legal impediment, shall pay the salary to the petitioners from the date they had attained age of 60 years till the order of extension of age of retirement was passed i.e. 20.03.2013. The said proposal of salary bill shall be processed expeditiously and preferably within three months.

4. Rule is made absolute in above terms. Writ petition is accordingly disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC