

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 338 OF 2015

Shankar Ganpatrao Bhange .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Gunale, Advocate for the Petitioner.

Shri K. G. Patil, Addl. G. P. for Respondent Nos. 1 and 2.

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

DATE : 13TH JANUARY, 2015.

PER COURT :

. Mr. Gunale, the learned counsel submits that, the age of retirement was extended from 62 years to 65 years. As such, the petitioner who was scheduled to retire on 28.02.2013 will now stand retired on 28.02.2016. The petitioner is allowed to work in the college from 01st March, 2013. The Government has also approved proposal of the petitioner for the extended period. However, the petitioner is not paid the salary of the period from 01.03.2013 to September, 2013. According to the learned counsel, the petitioner is entitled for the same.

2. The learned Additional Government Pleader submits that, the proposal has been sanctioned in the month of September

2013, as such, the petitioner would not be entitled for the salary prior to the said period.

3. The issue involved in the present writ petition is no longer *res-integra* in view of the judgment of the Apex Court in a case of **State of U. P. Vs. Dayanand Chakrawarty reported in (2013) 7 SCC 595**, wherein the Apex Court has held that, if the proposal is sanctioned late on account of administrative exigency of the respondent, the principle of no work no pay would not be applicable. The person would be entitled for the salary for the said period also. It is submitted that, even pay bills are submitted.

4. The respondents shall process the pay bills in respect of salary of the petitioner from 01.03.2013 onwards and if there is no other legal impediment shall pay the salary to the petitioner from 01.03.2013, though the proposal regarding extension of age has been sanctioned on 21st September, 2013. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]