

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5537 OF 2015

Dr. Parshuram S/o Dondiba Kamble

-vs-

The State of Maharashtra, thr. its Secretary, Deptt. of Higher and Technical Education and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.B.G.Kulkarni, counsel for the petitioner.
Mr.N.S.Rao, A.G.P for the respondent Nos.1 to 3.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 01.12.2015.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, Nagpur, dated 14/07/2015, so far as it holds that the petitioner would not be entitled to salary for the period during which the petitioner was out of employment.

After the proposal of the petitioner for extension of the age of superannuation was rejected, the petitioner filed the original application before the Maharashtra Administrative Tribunal. The petitioner had attained the age of superannuation on 30/06/2013. Unfortunately, the original application was decided after the extended age of retirement of the petitioner, on 14/07/2015. While partly allowing the original application filed by the petitioner, the Tribunal held that though the petitioner would be entitled to continuity of service till he attained the age of 62 years on 30/06/2015, the petitioner would not be entitled to salary. The part of the order denying the salary to the petitioner has been impugned in the instant petition.

In the circumstances of the case, we do not find any illegality in the order of the Tribunal, refusing to grant the prayer of the petitioner for salary till the petitioner attained the age of 62 years. The petitioner completed the age of 62 years on 30/06/2015

and the original application was decided on 14/07/2015. Since the petitioner had not worked during the extended period of service and since the confidential remarks of the petitioner were not so good, we do not find any illegality in the action of the Tribunal in refusing to allow the prayer for payment of arrears of salary.

Since the order of the Tribunal is just and proper, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

KHUNTE