

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3298 OF 2013

Dr. R.K. Puri	...	Petitioner
V/s.		
The Vice Chancellor & others	...	Respondents

Mr. Akshay Shinde i/b. Mr. A.M. Kukarni for the petitioner.

Mr. R.S. Khadapkar for respondent no.1.

Mr. A.B. Vagyani, GP a/w. Mr. Vikas Mali, AGP for the State.

Mr. Rui A. Rodrigues for respondent no.3.

**CORAM : NARESH H. PATIL AND
A.A. SAYED, JJ.**

16th February, 2016.

P.C.

The Government Pleader has placed on record Government Resolution dated 16th February, 2016. On instructions Government Pleader submits that the State has taken a decision to extend the services of the petitioner from 60 years to 62 years. Admittedly, the petitioner got retired on 31st December, 2013. Learned Counsel appearing for the petitioner submits that the petitioner did not get salary for the period during which he rendered extended services from 60 to 62 years of age. He did not get pension calculated on the basis of services rendered between the period from 1st January, 2012 to 31st December, 2013.

2. The petitioner challenged decision taken by the State on 18th March, 2013 i.e. impugned communication denying petitioner extension of service from 60 years to 62 years inspite of clear order passed by the Court in Writ Petition No.11334/2011 filed by the petitioner. The judgment was delivered by Division Bench (Coram: Dr. D.Y. Chandrachud and A. A. Sayed, JJ) of this Court in Writ Petition No.11334/2011 on 8th October, 2012. Paragraph-13 of the said judgment reads as under:

“ In the circumstances, we are of the view that the Petitioner will be entitled to consideration as a member of the academic staff of USIC for an extension in service. We, accordingly, dispose of the Petition by directing that the First Respondent shall within a period of one week of the receipt of an authenticated copy of this order, forward the proposal of the Petitioner for extension in service from 60 to 62 years to the Principal Secretary in the Higher Education Department of the State Government. The proposal shall be placed before the Performance Review Committee. The State Government shall take a final decision thereon within a period of three months of the receipt of the proposal. Until the State Government decides upon the proposal, the ad-interim order that was passed in these proceedings on 30 December 2011 shall continue to remain in operation and shall abide by the final decision that may be taken by the State Government.”

3. Due to the approach of the State Government petitioner suffered adversely in getting salary and settlement of pension amount. Lately the State authorities realised this and have taken corrective steps now by issuing Government Resolution dated 16th February, 2016. The State has

assured that within fifteen days the salary as well as the revised pensionary benefits accrued to the petitioner would be realised.

4. The Government Pleader on instructions assures that the State would put in prescribed mechanism for overseeing implementation of the orders passed by the Courts. This is one such case out of several ones wherein we have noticed non-compliance of Court's order inspite of the fact that orders being very clear. The litigants are compelled to approach this Court time and again. Learned Counsel appearing for petitioner submits that as there has been delay in distributing salary in accordance with service regulations, the petitioner would get interest on the delayed payment. Learned Counsel has also prayed for cost of Rs.25,000/-.

5. In the facts and circumstances, we are of the view that this is a fit case to award cost.

6. We direct the State to pay cost of Rs.25,000/- (Twenty Five Thousand Only) to the petitioner within four weeks from today.

7. The State is entitled to call for explanation from the concerned officers who took the impugned decision. The State is even entitled to recover the amount of cost from the responsible officers.

8. With aforesaid observations and directions, petition is disposed of.

(A.A. SAYED, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)