

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

C.A.W.NO. 696/2016 IN W.P.NO.5966/2013.

Arjun Hargovind Ghiya

-VERSUS-

1.The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.

DATE : APRIL 11, 2016.

Heard Shri A.M. Ghare, learned Counsel
for the petitioner, Shri N.S. Rao, learned A.G.P.
for respondent nos. 1 and 2, Shri S.P. Puranik,
learned Counsel for respondent nos. 3 and 4
and Shri V.P. Marpakwar, learned Counsel for
respondent no. 5.

2. The petitioner claimed that he is entitled
to continue in service till he reaches age of 62
years. The said request was rejected by the
Performance Evaluation Committee and

contention is that, though petitioner satisfied 8 norms, he was not given extension while others who satisfied 2 or 3 norms, have been given the same.

3. In this situation, this Court has permitted the petitioner to continue in service, and during the pendency of the matter, he has also completed 62 years of his age.

4. By this application, prayer is to direct the employer to submit salary bills for the work done by the petitioner beyond 60 years of age and for drawing his retirement benefits accordingly.

5. Shri Marpakwar, learned counsel submits that the respondent no.5 College had earlier submitted the salary bills, but, then in the light of express directions by the respondent no.2 that after decision of the Court matter, bills should be submitted, the management could not do anything more.

6. Learned A.G.P. appearing on behalf of the

respondent State also submits that till the issue is decided, no relief can be granted as it would be a final relief at interlocutory stage.

7. After hearing the respective counsel, we find that interest of justice can be met with by directing the respondent no.5 to prepare the salary bills and bills of retirement benefits, as if the petitioner has been superannuated after 60 years and to submit the same to the respondent no.2 within a period of four weeks from today. Respondent no.2 shall process the same in accordance with law and release the amount as worked out to the petitioner within further period of 8 weeks. Acceptance of that amount shall not preclude the petitioner from challenging the correctness or otherwise of the exercise undertaken.

8. This arrangement shall be without prejudice to the rival contentions of the parties, and if the petitioner succeed in demonstrating that he ought to have been continued till 62

years of age, his entitlement to release of salary for work already done or then for revised terminal/retirement benefits shall be looked into at the stage of final hearing.

9. Shri Ghare, learned counsel for petitioner submits that even otherwise as the petitioner has worked for two years, he is entitled to salary. The said grievance shall also be looked into at that stage.

10. Shri Puranik, learned counsel for the respondent nos. 3 and 4 seeks time to file return. Respondents to file their return within a period of 6 weeks from today.

11. Liberty to petitioner to move for early hearing after return is filed.

12. Civil Application is disposed of accordingly. No costs.

JUDGE

JUDGE

Rgd.