

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

BENCH AT AURANGABAD.

WRIT PETITION NO.8184 OF 2016

Gangadhar S/o Mhasu Phatangare... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.H.D.Deshmukh, advocate for the petitioner.
Mr.S.W.Munde, A.G.P. for the State.

...
**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

Date : 25.09.2017.

PER COURT :

1. We have heard Mr.Deshmukh, learned counsel for the petitioner and Mr.Munde, learned A.G.P. for the Respondents.

2. The petitioner was working as Associate Professor and stood retired on 31.3.2012. However, according to the policy of the Government, the age of retirement was extended to

62 years. The order was issued by the Government on 16.8.2012, thereby extended the age of retirement of the petitioner. The petitioner joined duty on 21.9.2012. It is the contention of the petitioner that till the age of retirement as per the extended date, the petitioner is not paid salary from 1.3.2012 to 31.3.2014.

3. According to the Government, the petitioner has not worked from 1.4.2012 up to 21.9.2012, as such is not entitled for the salary.

4. The delay was on the part of the Government. As per judgment of the Apex Court in the case of "**State of Uttar Pradesh Vs. Dayanand Chakrawarty and others**" reported in **(2013) 7 Supreme Court Cases 595**, in such case principle of 'no work no pay' does not apply.

5. Considering above, we pass the following order :

a) The petitioner would be entitled for

the salary from 1.4.2012 till date of his retirement. In case the petitioner is not paid salary from 1.4.2012 to 31.3.2014 then the petitioner shall be paid salary for the said period after deducting the amount of pension if already paid for the said period. The petitioner shall be paid the amount as observed expeditiously, preferably within six (6) months.

b) The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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