

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2208 OF 2013

Shri Suresh Mahadeo Patil

..Petitioner

Vs.

The State of Maharashtra and Others

..Respondents

Mr. N. V. Bandiwadekar, for the Petitioner.

Ms. Aparna D. Vhatkar, AGP, for the Respondent Nos.1, 2 and 4.

Mr. Harshad V. Shingnapurkar i/b Mr. Amit B. Borkar, for Respondent NO.3.

CORAM :- S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.

DATE :- FEBRUARY 10, 2017.

P. C.:

When this matter was argued for some time and the attention of the counsel for all parties was invited to a statement made in the affidavit-in-reply filed by the Regional Joint Director, Higher Education, Kolhapur region, Kolhapur, it was stated that Shivaji University had forwarded all the pension papers and related documents to the State

Government so that the pension is made admissible to the Petitioner as also the reliefs in terms of prayer clauses (c) and (d) of the Petition. The affidavit-in-reply says that an undertaking ought to be obtained from the Petitioner and to the effect that he would refund all the sums in the event the Supreme Court decision in the case filed by the Shivaji Vidyapeeth Sevak Sangh takes away any of the benefits and in favour of the parties like the Petitioner. The Petitioner has filed an undertaking in which he had stated that in the event in that Petition, the State and University succeed, then, the monies pie will be refunded by him within such time as is stipulated in this Court's order.

2 We have accepted the undertaking at pages 50 and 51 precisely as an undertaking to this Court and in these very terms. In the event in the pending proceedings the matter is decided in favour of the said Shivaji Vidyapeeth Sevak Sangh and against the interest of the Petitioner, then, the Petitioner, irrespective of whether he is a member of the Sangh or otherwise but in terms of our direction shall refund every

amount which he was not entitled to claim and at such rate of interest as is stipulated by the University / Government. We direct that such an undertaking now be treated as an undertaking given to this Court and in the above terms. All the papers and proposals forwarded by the Shivaji University shall be processed by the Regional Joint Director, Higher Education, Kolhapur region, Kolhapur and he / she shall pass the requisite direction so that the Petitioner obtains all benefits including in terms of prayer clauses (c) and (d) within a period of two months from the date of receipt of a copy of this order. Needless to clarify that to enable the Petitioner to obtain all benefits and on par with his colleagues who have served the University as an Assistant Registrar, appropriate pay fixation shall also be made in this period.

3 Post this Petition for reporting compliance on 7th April, 2017.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)