

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

WRIT PETITION NO. 4962 OF 2016

**Laxman Ragho Raundal
Age 63 yrs, Occ. Service,
R/at. Gangapur Road, Nashik,
Dist. Nashik**

... Petitioner

Vs.

1. The State of Maharashtra

**2. K.R.T. Arts, B.H. Commerce and
A.M. Science College, Maratha Vidya
Prasarak Samaj,
Gangapur Road,
Shivaji Nagar, Nashik 422 002.**

**3. The Higher and Technical Educational
Department through its Executive
Officer, Mantralaya, Mumbai.**

**4. The Deputy Secretary
Academic Branch, Pune University,
Pune – 411 007.**

**5. The Divisional Joint Director,
Higher Education, Pune University,
Pune – 411 007.**

... Respondents

WITH

WRIT PETITION NO. 4963 OF 2016

**Yashwant Damu Bedse
Age 63 yrs., Occ. Service,
R/at. 10, Prerana Apartment,
Shrirang Nagar, Gangapur Road,
District Nashik 411 013.**

... Petitioner

Vs.

1. The State of Maharashtra

2. K.R.T. Arts, B.H. Commerce and
A.M. Science College, Maratha Vidya
Prasarak Samaj,
Gangapur Road,
Shivaji Nagar, Nashik 422 002.

3. The Higher and Technical Educational
Department through its Executive
Officer, Mantralaya, Mumbai.

4. The Deputy Secretary
Academic Branch, Pune University,
Pune – 411 007.

5. The Divisional Joint Director,
Higher Education, Pune University,
Pune – 411 007.

... Respondents

WITH

WRIT PETITION NO. 4591 OF 2016

Tulshiram Keda Birari

... Petitioner

Vs.

1. The State of Maharashtra

2. Maharaj Shivajirao Gaekwad Arts,
Science and Commerce College,
Malegaon, Nashik 422 002.

3. The Higher and Technical Educational
Department through its Executive
Officer, Mantralaya, Mumbai.

4. The Deputy Secretary
Academic Branch, Pune University,
Pune – 411 007.

5. The Divisional Joint Director,
Higher Education, Pune University,
Pune – 411 007.

... Respondents

Mr. Rohan Sonawane, Adv. for the Petitioners in all the above
Petitions.

Mr. C.P. Yadav, for Respondents Nos. 1 and 3 in all the above Petitions.

Mr. Rajendra Anubhule, Respondent No.4 in all the above Petitions.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 3 JULY 2017.**

J U D G M E N T :- (Per Riyaz I. Chagla J.)

1. Rule. Rule made returnable forthwith in above Writ Petitions. Taken up for hearing by consent of the parties.

2. The Petitioners in the three Petitions were recruited by Respondent No.2 (K.R.T. Arts, B.H. Commerce and A.M. Science College at Nashik) in Writ Petitions Nos. 4962 and 4963 of 2016 and (Maharaj Shivajirao Gaekwad Arts, Science and Commerce College, at Nashik) in Writ Petition No. 4591 of 2016 as Associate Professors. The Petitioners in the three Petitions were due to retire from services on the attainment of age of 60 years and upon their retirement the Respondent No.2 had made a representation to Respondent No.4 (The Deputy Secretary, Academic Branch, Pune University, Pune, in all the three Petitions) proposing to grant extension of superannuation age of the Petitioners from 60 years to 62 years. By circular dated 27th September 2012 (in Writ Petition No. 4962 of 2016) and circular dated 16th August 2012 (in Writ Petitions Nos. 4963 of 2016 and

4591 of 2016), the Respondent No.3 (the Higher and Technical Education department through its Executive Officer, Maharashtra, Mumbai) extended the superannuation age of professors working in educational institution under the control and supervision of the Respondent No.5 (The Divisional Joint Director, Higher Education, Pune) University, Pune from 60 years to 62 years. The superannuation age of the Petitioners were accordingly extended from 60 years to 62 years. The Petitioners had resumed services upon the circular being issued but had not been paid remuneration for the period when the Petitioners had retired till the issuance of the circular. Respondent No.3 despite issuing circular dated 30th December 2012 for extension of superannuation age, the Respondent No.1 had not paid dues of the Petitioners for the said period. The Petitioners have in their respective Petitions sought appropriate directions from the Court to pay the Petitioners their unpaid salary for the said period of three months.

3. The counsel for the Petitioners has submitted that the issue involved in the three Petitions is no longer *res integra*, in view of the judgment of this Court (Bench at Aurangabad) in the case of

Snehal Arun Borse Vs. the State of Maharashtra & Ors.¹. The said judgment had followed the judgment of the Apex Court in the case of ***State of Uttar Pradesh Vs. Dayanand Chakrawarti & Ors.***² and held that the Petitioners are entitled for the salary for the period for which he was not allowed to work and that the Respondent in that case was directed to pay salary to the Petitioners for the extended period of service for which he was not allowed to work, expeditiously and preferably within a period of six months from the date of the order. The Respondents were also directed to calculate pensionary benefits considering the Petitioners to be in continuous services till the extended date of retirement including arrears for which the Petitioner may be entitled due to extended date of the retirement. The Writ Petition was accordingly disposed of.

4. We are of the considered view that the judgment of this Court at Aurangabad Bench referred above squarely applies and the present Petitions will have to be allowed on the following terms:-

1 WP No. 9544 of 2014 decided on 19th December 2014.

2 (2013) 7 SCC 595.

ORDER

a. It is held and declared that Petitioners are entitled for salary for the period for which they were not allowed to work. Respondent No.2 College which is duly served is directed to submit the salary bills of the Petitioners for the period for which they were not allowed to work to Respondent No.5 within a period of four weeks from today. On receipt of such bills, the Respondent No.5 shall process the same and make payment to the Petitioners within a period of eight weeks thereafter.

b) The Respondents shall calculate pensionary benefits considering the Petitioners to be in continuous service till the extended date of retirement including arrears which the Petitioner may be entitled due to extended date of retirement.

c. Rule is made absolute in the aforesaid terms. No costs.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)