

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (W) NO. 390/2017
IN
WRIT PETITION NO. 1501/2014

(Dr.Vilas s/o Shamrao Kamavisdar vs. 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 order

Mr T.S. Deshpande, Adv. for petitioner/applicant
 Mr Amit Chutke, AGP for respondent-State

**CORAM : B.P. DHARMADHIKARI &
 MRS.SWAPNA JOSHI,JJ.
DATED : 14th February, 2017.**

Heard.

2. Challenge of petitioner, to continue him in service till he completes age of 62-years, has been admitted for final hearing. By interim orders, the petitioner has been allowed to continue till reaching the age of 62-years. There is also a direction to release his salary for work done.

3. It is not in dispute that petitioner now has reached the age of 62-years and, therefore, superannuated. The Application is taken out to process his pension papers by accepting 62-years as age of superannuation.

4. Learned AGP points out that as petition is not yet decided on merits, pension at 62 cannot be released.

5. Salary was paid to petitioner for work done. If ultimately in the petition, this Court finds that the superannuation of the petitioner is of 60-years, the petitioner will be entitled to pension as if he has retired at that age. If this Court finds that he was rightly permitted to continue till 62-years, enhanced amount of

pension becoming payable thereby, can be released to him.

6. In this situation, we direct that pension papers of petitioner be processed immediately, by provisionally treating 60 years to be his age of superannuation. The acceptance of pension and other terminal benefits accordingly shall be without prejudice to the rights of applicant/petitioner in present writ petition.

7. Writ Petition be listed for final hearing in week commencing 10th July 2017.

8. The Civil Application is disposed of.

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