

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

WRIT PETITION NO. 2497 OF 2015

Dr. Pradeep Bhagwanprasad Dube

Petitioner...

Versus

The State of Maharashtra & Ors.

Respondents...

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Mr N. P. Dube, Advocate for the petitioner

Mr V. S. Badakh, AGP for respondent/State

Mr R. R. Mane, Advocate for respondent No. 2

Mr S. V. Dankh, Advocate for respondent No. 3

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**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 12TH JULY, 2018.

PER COURT:-

1. The issue raised in the instant petition is no more *res-integra* and is covered by the decision rendered by the Division Bench of this Court at Bombay in Writ Petition No. 585 of 2017 (Dr. Goraksha V. Pargaonkar Versus The State of Maharashtra and others), decided on 28.11.2017. In view of the decision rendered in the said case, the petitioner is entitled to seek the benefits of age of retirement of 62 years on par with the Principals of other colleges. The petitioner submits that, an employee functioning as Principal in Physical Education College is entitled to continue beyond the age of 62 years, upto 65 years subject to the decision on reference of the matter to the Performance Review Committee as per the Government Resolutions dt. 05.03.2011 and 12.07.2016, and if the Performance

Review Committee finds that the Principal is eligible, then he can be continued upto the age of 65 years of age. So far as the petitioner is concerned, by virtue of the interim orders, he continued to serve until he attained 62 years of his age and has retired on attaining age of superannuation. The proposal in case of petitioner has not been forwarded to the Performance Review Committee and as such, the benefits of continuance upto the age of 65 are not claim by the petitioner. The petitioner contends that, due to pendency of the instant petition, the proposal forwarded to the respondent-authorities for determination of the pension claim has not been dealt with.

2. In the facts and circumstances of this case, the writ petition stands disposed of in view of the decision of the Division Bench of this Court at Bombay in Writ Petition No. 585 of 2017 (supra).

3. The respondents are directed to process the claim of the petitioner for grant of pension and pensionary benefits and extend the actual financial benefits to the petitioner as expeditiously as possible, preferably within a period of six months from today.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE

Punde