

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

WRIT PETITION NO. 435 OF 2013

Bhaskar Bhagwat Unde

.. Petitioner

Versus

The Secretary, Higher and Technical
Education Department, Mantralaya, Mumbai
and others.

.. Respondents

Mr.V.B. Wagh, Advocate for the petitioner.

Mr.K.N. Lokhande, AGP for respondent/State.

Mr.A.V.Hon, Advocate for respondent Nos.3 & 4.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 21.08.2018

P.C. :-

1. Mr.Wagh, learned Advocate for the petitioner submits that the petitioner was working with the respondent-institution as a Lecturer in Mechanical Engineering. The petitioner on attaining the age of superannuation retired in the year 2006. The respondent-institution has not given benefit of the 4th and 5th Pay Commission to the petitioner and thereby has given less salary. Even no extra payment is made for extra hours, though representation to that effect was given in the

year 2001 to the Principal. According to the learned Advocate, time and again the representations were given, but the same have not been acted upon.

2. Mr. Hon, learned Advocate submits that the petitioner has been paid salary as per the 4th and 5th Pay Commission. His salaries were revised from time to time. The pay-scale applied to the petitioner and paid has been detailed in affidavit in reply filed by respondent Nos.2,3 and 4. The petitioner has retired in the year 2006 and has accepted all the retiral benefits without any protest and thereafter has filed this petition in the year 2013.

3. We have also heard learned AGP.

4. It is not disputed that the petitioner retired on 31.10.2006. It is also not disputed that the petitioner has received retiral benefits. In the present petition grievance is made that the petitioner is not

given benefit of the 4th and 5th Pay Commission. The petitioner retired in the year 2006 accepting all the retiral benefits without any demur and after lapse of six years, has filed the petition claiming benefits of the 4th and 5th Pay Commission. On affidavit, it has been stated that the petitioner was paid salary as per the 5th Pay Commission in the pay-scale Rs.7450-11500 and the same was also revised w.e.f. 01.03.2005 and was given pay-scale of Rs.8000-13500. It would involve disputed question of facts. Moreover, the petitioner is making grievance after lapse of six years of his retirement and after accepting all the retiral benefits.

5. For all the aforesaid reasons, the grievance of the petitioner cannot be considered. The writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]