

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

78 WRIT PETITION NO. 8836 OF 2017

MUKUND LAXMANRAO KURTADIKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : MR.Deshpande Ajay S.
AGP for Respondent Nos. 1 and 2 : Mr. A.P.Basarkar
Advocate for Respondent No.3 : Mr. Korhalkar Chandrashekar V.

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CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JULY 11, 2018

O R D E R :

The petitioner attained the age of 60 years on 30.9.2011. The proposal was given for extension of age. Respondents under order, dated 26.6.2012 extended the age of retirement of the petitioner to 62 years. The petitioner on attaining age of 62 years on 30.9.2013 stood superannuated. The petitioner has been paid salary for the period 26.6.2012 to 30.9.2013, however, the petitioner is not paid salary for the period 1.10.2011 to 30.6.2012. It is the contention of the petitioner that the petitioner was continuously officiating his duties as Associate Professor. The issue is no longer res integra in view of the judgment of the Apex Court in the case of **State of U.P. Vs Dayanand Chakrawarti and others**, reported in **2013 (7) SCC 595**.

2. The affidavit is also filed by Respondent/State to the effect that the bill for the salary from 1.10.2011 to 30.6.2012 has been forwarded to the Director of Higher Education under letter dated 10.3.2016 and after getting sanction of budget, the payment would be made to the petitioner. More than 2½ years have lapsed thereafter also.

3. Respondent/State shall make the payment to the petitioner as per the applicable pay scale for the period 1.10.2011 to 30.6.2012 within three months from today.

4. Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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