

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10284 OF 2014

Akella Laxman Mohan
age 76 years, occ. pensioner
r/o c/o 11-107, Chamunde Bhavan
Teachers' Colony
Garividi 535 101
Andhra Pradesh

Petitioner

Versus

1. The State of Maharashtra
Through Secretary
Higher Education Department
Maharashtra State
Mantralaya
Mumbai 400 032.
2. The Director of Higher Education
Maharashtra State,
Central Building,
Pune
3. The Joint Director
Higher Education
Aurangabad Division
Aurangabad
4. Registrar
Dr. Babasaheb Ambedkar Marathwada
University, University Campus
Aurangabad
5. The Accountant General (A & E) II,
Maharashtra, Nagpur
Post Box No. 114, Opp. Ravi Bhvan
Civil Lines, Nagpur
6. Marathwada Shikshan Prasarak Mandal
Railway Station Road, Aurangabad
Tq. & Dist. Aurangabad

through its Secretary

Respondents

Mr. A.G. Choudhari, advocate for petitioner.

Mr. S.Y. Mahajan, A.G.P. for respondents 1 to 3.

CORAM : R.M.BORDE &

K.K. SONAWANE, JJ.

DATE : 22nd FEBRUARY, 2018

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. Petitioner was functioning as a Lecturer in the colleges run by respondent no. 6 with effect from 01.07.1967. Petitioner opted for voluntary retirement on 30.06.1995. While opting for voluntary retirement, petitioner was drawing salary under selection grade. The State of Maharashtra issue a resolution for implementation of the new pay scale of Rs.12000-420-18300/- in substitution of old pay scale of Rs.3500-7500/- with effect from 01.01.1996 on making applicable the said pay scale to the Lecturers in selection grade who have completed five years or more in that grade as per U.G.C.norms with further direction for fixation of basic pay of Rs. 14,940/- to the Lecturers who have completed five years or more in the selection grade.
4. Petitioner contends that he is entitled for fixation of his pay

at Rs. 14,940/- as on 01.01.1996 and is eligible to draw pension of Rs. 7470/- as on 01.01.1996. Petitioner tendered representations to the authorities however, those were not considered. Pay of petitioner was fixed at Rs. 12,000/- and as such he is drawing pension of Rs. 6,000/-. Petitioner claims his entitlement to pension by fixing his pay at Rs. 14,940/- as on 01.01.1996.

5. The issue raised in the instant petition is no more res integra and is covered by decision of this Court in the matter of Chandrakant Vs. State of Maharashtra in Writ Petition No. 2630/2010 decided by Division Bench on 01.08.2012 so also decision of this Court in the matter of Tukaram Vs. State of Maharashtra in Writ Petition no. 8679/2012 decided on 18.10.2013.

6. For the reasons recorded in the aforesaid decisions, instant petition also deserves to be allowed and the same is allowed. We direct the respondents to fix petitioner's pay at minimum of Rs. 14,940/- as on 01.01.1996 in the event he has completed five years of service in selection grade as a Lecturer before his retirement. Necessary exercise in this regard shall be completed within four months from today. Petitioner shall be eligible to draw pension upon fixation of his pay scale as on 01.01.1996 as directed above. Arrears of pension shall be released within a period of three months from today.

7. With the directions as above, writ petition is partly allowed. Rule made absolute in above terms. There shall be no order as to costs.

8. Pending civil application, if any, does not survive and stands disposed of.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

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