

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 5030 OF 2013

1 Mr. Kishore Shankar Karandikar & Anr. ... Petitioners

Vs

1 The University of Pune & Ors. ... Respondents

Mr. Y.S. Jahagirdar with Mr. Swapnil Mohite i/b Meenakshi Sakhare for the Petitioners.

Mr. Rajendra Anbhule for the Respondent Nos.1 & 2.

Mr. S.R. Nargolkar for the Respondent No.4.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

MONDAY, 19TH NOVEMBER, 2018

P.C. :

1 On this writ petition, after hearing both sides, a detailed ad-interim order came to be passed on 20th June, 2013. The order itself recites as to how the matter was heard at considerable length. At the initial stage, the University was given an opportunity to make a statement whether it accepts the factual position as narrated in the petition, but for some reason, the instructions were not forthcoming. Hence, a detailed ad-

interim order was passed granting interim protection to the petitioners. For five and half years, that order has been continuing. In the meanwhile, both petitioners have retired from service on attaining the age of superannuation. By virtue of the ad-interim order passed by this Court and the petitioners being in employment for over thirty years, that the interim arrangement was accepted. There is no challenge to the order passed on 20th June, 2013 by this Court. The petitioners have said in their additional affidavits that after their retirement from the services, the pension amount was determined and is now being disbursed and released in their favour. Even the pensionary benefits have been drawn by the petitioners for more than two years.

2 In our view, therefore, the factual statements as narrated in the petition having not been controverted despite this detailed order, all that remains is to dispose of this writ petition in terms of the order passed by this Court on 20th June, 2013. That takes care of the University's stand as reflected in an affidavit which was filed at the earlier stage. The affidavit, having been filed, has not made any difference for the order passed on 20th June, 2013, notes the stand of the contesting respondents.

3 In the light of the findings rendered in this Court's order of 20th June, 2013, and the uncontroverted further factual position as reflected in the additional affidavit of the petitioners, which is taken on record, we allow this writ petition in terms of the order of 20th June, 2013. The order impugned in the writ petition stands quashed and set aside. The petitioners' services shall be reckoned and treated as continuous based on which they shall be allowed to draw the pensionary benefits.

4 The writ petition is disposed on in these terms.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.