

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

WRIT PETITION NO. 6061 OF 2013

Tilak Vishwas Dattatraya	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. C. R. Sadasivan with Mr. N. M. Ganguli
for the petitioner.

Mr. S. S. Panchpor-AGP for respondent
nos. 1 and 2 (State).

Mr. Rui Rodrigues with Ms. Rimi Jain for
respondent no. 3.

**CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.**

DATE :- JANUARY 9, 2019

P.C. :-

1. Having heard both sides, we find that the issue raised in this petition is covered by a Division Bench judgment of this court (*Bankerai Ambikarai Sharma vs. the State of Maharashtra and Ors.*¹, decided on 5th February, 2008). The Special Leave Petition of the Government to challenge this judgment has also been dismissed by the Hon'ble Supreme Court. On this undisputed fact, the affidavit in reply of the Joint Director of Higher Education says that the petitioner has rendered service as part-time

¹ Writ Petition No. 1216 of 1991

Assistant Professor in two separate colleges. That service would have now to be computed on the basis of the judgment and though petitioner is entitled for all benefits, that would not include the pension.

2. Mr. Sadasivan says that the petitioner is not claiming pensionary benefits, but wants clubbing of the services rendered in two different colleges for the purposes of earning his legitimate dues in the form of salary and allowances, except pension.

3. It is stated that one of the colleges where the petitioner served has already forwarded the record to the Joint Director's office and based on that, the computation is made. It is the other college which is yet to forward the record.

4. We direct the Joint Director to ensure that all records are forwarded by the respective Managements within a period of four weeks from today and after they are forwarded, let the processing be done at the end of the Joint Director's office as expeditiously as possible and within four weeks thereafter. We further direct that within a period of three months, all the legitimate dues, including salary and other allowances shall be disbursed to the petitioner on the basis of the law laid down by the Division Bench of this court.

5. With the aforesaid directions, the writ petition is disposed of. There would be no order as to costs.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)