

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO.1824 OF 2020
IN WP/9208/2019

QUAZI MOHAMMAD MISBAHUDDIN ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

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Mr. S. S. Kazi, Advocate for the Applicant.

Mrs. R. P. Gour, AGP for Respondents-State.

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CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATED : 13th MARCH, 2020.

PER COURT:-

1. The applicant seeks payment of regular salary and dues from August 2019.

2. We have heard the learned counsel for the applicant and learned counsel for non-applicants.

3. The issue involved in the present matter is referred to the Full Bench. The issue is about the age of retirement of an employee of the Wakf Board. The applicant pursuant to the interim order is continuing in the service.

4. It is submitted that the facility of pension is not available to the employees of the Wakf Board.

5. Be that as it may, it is not disputed that the employees of the Wakf Board are entitled for the gratuity and provident fund.

6. In case, the applicant eventually does not succeed in the writ petition, then the respondents can recover the amount of salary paid to the applicant after the age of 50 years from the gratuity and the provident fund. The applicant also does not have any objection for the same.

7. In light of that, the non-applicants shall pay the regular salary to the applicant.

8. Civil Application is disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE