

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14150 OF 2018

Bhiva Appa Kamble] Petitioner

Versus

The Joint Director of Higher Education]

State of Maharashtra and others.] Respondents

Mr. S.B. Deshmukh a/w Irvin D'Souza, for Petitioner.

Ms. R.A. Salunkhe, A.G.P, for Respondent No.1-State.

CORAM: R.K. DESHPANDE &

PRITHVIRAJ K. CHAVAN, J.J.

DATE: 12th MARCH, 2020.

P.C:

This Petition claims the relief of payment of arrears of salary for the period from 1st June, 2013 to 19th November, 2014. Un-disputedly, the petitioner was working as a "Librarian" and attained the age of superannuation on 31st May, 2013.

2. By an order dated 12th November, 2014, the petitioner was granted extension from 1st June, 2013 till 31st May, 2015.

Though the salary is paid to the petitioner from 12th November, 2014, salary for the period prior to that from the date of superannuation has not been paid to the petitioner.

3. We have seen the affidavit filed by the respondent No.1 in which it is stated in paragraph 12 that the petitioner did not work during this period and, therefore, the question of payment of salary to the petitioner does not arise on the ground of 'no work, no pay'. What we find is that the extension in service on the age of superannuation is neither condition of service nor a legal right. The extension granted has to be on the terms and conditions mentioned in the order. The petitioner shall not be entitled to the salary for the period for which he has not worked. Hence, we do not find any reason to entertain this Petition. Hence, the Petition stands dismissed.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]