

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO. 5194 OF 2021

**DNYANOBA VITHOBA GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THR THE SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Ms. Priyanka R. Deshpande
AGP for Respondent Nos. 1 to 3 : Mrs. M.A.Deshpande
Advocate for Respondent No. 7 : Mr. S.S.Shinde

...
**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 29.04.2022

P.C. :

1. Leave to delete the unserved respondent No. 5, at the risk of the petitioner. Deletion be carried out, forthwith
2. By this petition, the petitioner has put-forth prayer clauses "B", "C", "D" and "E", as under :-

"B] By issuing the writ of mandamus or any other appropriate writ or order or direction in the like nature, the respondents may kindly be directed to make the pay fixation of the petitioner in the senior scale, selection grade, Ist ACP as per the 6th pay commission and as Associate Professor and to grant the CAS benefits to the petitioner as per the Rules and Regulations by considering the services rendered by the

petitioner during the period from 21-08-92 to 30-01-2022.

C] By issuing the writ of mandamus or any other appropriate writ or order or direction in the like nature, the respondents may kindly be directed to revise and grant the enhanced appropriate amount of the pension in furtherance of the grant of the benefits referred above vide clause B and to pay the same to the petitioners from the date of his retirement till date along with the interest thereon at the rate of 15% per p.a.

D] By issuing the writ of mandamus or any other appropriate writ or order or direction in the like nature, the respondents may kindly be directed to pay the amount which will arrive after the grant of all benefits, as referred above vide clause B and to pay the same along with interest thereon at the rate of Rs. 15% p.a.

E] By issuing the writ of mandamus or any other appropriate writ or order or direction in the like nature, the respondents may kindly be directed to pay all the retirements benefits in view of the above entitlements and benefits, accordingly and to pay the same to the petitioner with 15% interest p.a. till its realization.”

3. We have considered the submissions of the learned advocates for the respective sides.

4. The Joint Director, Higher Education, Nanded is to decide the claim of the petitioner. By communication dated 11-03-2019, the Administrative Officer, Education Directorate, Higher Education, Pune has already conveyed to respondent No. 3 to take a decision as regards the issue mentioned in the said communication (at page No. 42) of the petition paper-book. At serial No. 5 is the proposal of this petitioner.

5. In view of the above, this petition is disposed off by directing respondent No. 3 to decide the grievance of the petitioner and specially in the light of the prayers put-forth in prayer clauses "B", "C", "D" and "E" reproduced above, as expeditiously as possible, in any case on or before 30-07-2022. The decision arrived at, shall be communicated to the petitioner in writing, expeditiously and within a period of three weeks from the date of such decision.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)