

Digitally signed  
by PALLAVI  
MAHENDRA  
WARGAONKAR  
Date:  
2022.10.04  
18:56:45  
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.1491 OF 2018**

Vitthal S. Shinde

... Petitioner

Versus

University of Mumbai and Ors.

... Respondents

-----  
Mr. Swaraj S. Jadhav for the Petitioner.

Mr. Rui Rodrigues, for Respondent No.1.

Dr. Ramesh Asawa, for Respondent Nos.2 and 3.

Mr. S.B. Kalel, AGP for Respondent Nos.4 to 6 – State.  
-----**CORAM : S.V. GANGAPURWALA &  
MADHAV J. JAMDAR, JJ.****DATED : 30<sup>th</sup> SEPTEMBER 2022****PC. :**

1. The Petitioner herein was working as Associate Professor and Head of the Department (Marathi) with the Respondent – College. The age of retirement was increased from 60 to 62 years.

2. The Petitioner attained the age of 60 years on 1<sup>st</sup> May 2015. The case of the petitioner was referred to the Review Committee. The Review Committee did not positively recommended the case of the Petitioner for extension of the age of the retirement. The Government initially accepted negative recommendation of the Review Committee, but subsequently Government granted extension to the Petitioner on or about 8<sup>th</sup> March 2016. Petitioner joined the post on 1<sup>st</sup> May 2016 and thereafter, retired on 30<sup>th</sup> April 2017.

3. The Petitioner claims payment of salary for a period from 1<sup>st</sup> May 2015 to 30<sup>th</sup> April 2016.

4. We have heard the learned AGP and the learned counsel for respondents. The issue involved in the present writ petition is no longer res-integra in view of the judgment of Apex Court in case of ***State of Uttar Pradesh Vs. Dayanand Chakrawarti and others reported in (2013) 7 SCC 595***, this Court in the judgment in Writ Petition No.6651 of 2013 has also followed the same course.

5. In light of above, it is held that the Petitioner is entitled for the salary for the period for which he was not allowed to work. The respondents shall pay the salary to the petitioner for the extended period of service for which he was not allowed to work, expeditiously and preferably within a period of six months from today.

6. The respondents shall calculate pensionary benefits considering the petitioner to be in continuous service till the extended date of retirement.

7. Writ Petition is accordingly disposed of.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)