

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.1580 OF 2020
Smt.Seema wd/o Vijayrao Jawanjal

..VS..

**The State of Mah., Department of Agriculture, Animal Husbandry, Dairy
Development and Fisheries, Mantralaya, Mumbai-32, thr.its Secretary and ors**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri H.A.Deshpande, Counsel for the Petitioner.
Shri Abhay Sambre, Counsel for the Respondent No.2.
Shri A.A.Naik, Counsel for the Respondent Nos.3 and 4.
Mrs.K.R.Deshpande, Assistant Government Pleader for the
Respondent No.1.

CORAM : A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATED : JUNE 27, 2022

1. Heard.
2. **Rule.** Rule made returnable early.
3. The learned counsel Shri Abhay Sambre waives service for the respondent No.2, the learned counsel Shri A.A.Naik waives service for the respondent Nos.3 and 4 and the learned Assistant Government Pleader Mrs.K.R.Deshpande waives service for the respondent No.1.

CIVIL APPLICATION (CAW) NO.1341 OF 2022

1. Heard the learned counsel for the respective parties.
2. The petitioner, who was serving as Full Time Lecturer, claims that her age of superannuation is 62 years. She is aggrieved by the communications dated 6.11.2019 and 16.3.2020 requiring her to superannuate at the age of 58 years.
3. Pursuant to *ad-interim* order dated 27.4.2020, it is claimed that the petitioner has discharged duties beyond the age of 58 years for the period from 1.5.2020 till 29.4.2022 on which date the earlier *interim* order was vacated. Since the petitioner has not been paid her salary for that period, she has moved Civil Application

No.1341 of 2022 seeking appropriate directions.

4. On hearing the learned counsel for the parties, we find that the petitioner has discharged duties pursuant to the *interim* order dated 27.4.2020. This period is from 1.5.2020 to 29.4.2022. There is no reason to deprive the petitioner from her salary for the aforesaid period since she has discharged duties pursuant to the *interim* order passed by this court.

5. Accordingly, the respondent No.4 – institution is directed to re-submit the petitioner's pay bill for the aforesaid period within a period of 15 days from today. The respondent No.1 shall consider the same and take steps to release the aforesaid amount of salary in favour of the petitioner. Insofar as the petitioner's pension case is concerned, the same shall be prepared by treating her age to be 58 years. The same would be subject to final outcome of the writ petition. The arrears of salary be released within a period of 6 weeks from receiving pay bills while the pensionary benefits be released also within a period of six weeks from receiving of the pension papers.

The civil application is accordingly disposed of.

Civil Application (CAW) No.554 of 2021

1. Heard.
2. The civil application is allowed since the petitioner seeks to place on record additional grounds in support of the writ petition.
3. The civil application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!
 BHUSHAN
 RANA
 WANKHEDE
 Digitally signed
 by BHUSHAN
 RANA
 WANKHEDE
 Date:
 2022.06.28
 11:12:22 +0530