

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 WRIT PETITION NO.6302 OF 2022

BHAGUBAI RAMA SATWADHAR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. P. S. Patil.
Advocate for Respondent No.2: Mr. M. N. Navandar.

...

AND

WRIT PETITION NO. 1498 OF 2023

KASHINATH GHAYANAJI DUGANE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. P. S. Patil.
Advocate for Respondent No.2: Mr. M. N. Navandar.

...

AND

905 WRIT PETITION NO.1609 OF 2023

BHAMAJI NARAYANRAO PHAD
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. S. K. Tambe.
Advocate for Respondent No.2: Mr. M. N. Navandar.

...

AND

907 WRIT PETITION NO.1622 OF 2023

BALASAHEB BABURAO NIRVAL
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. S. K. Tambe.
Advocate for Respondent No.2: Mr. M. N. Navandar.

...

AND

908 WRIT PETITION NO.1641 OF 2023

SAHEB NAMDEV JONDHALE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. S. G. Sangle.
Advocate for Respondent No.2: Mr. M. N. Navandar.

...

AND

909 WRIT PETITION NO.1691 OF 2023

PARASRAM RAMRAO SOGE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. S. G. Sangle.
Advocate for Respondent No.2: Mr. M. N. Navandar.

...

AND

WRIT PETITION NO. 5710 OF 2017

YESHWANT DIGAMBAR DHALE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. A. V. Indrale Patil.
AGP for Respondent/State: Mr. P. S. Patil.
Advocate for Respondent No.2: Mr. M. N. Navandar.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th February, 2023.

Per Court:

1. Writ Petition No.5710 of 2017, is not on board. Being identically placed, taken on board.

2. The petitioners are said to be identically placed. We are re-producing prayer clauses 'C' and 'D' set out in Writ Petition No.6302/2022, as under:-

“(C) The impugned condition incorporated in the government resolution dated 24.07.2005 and the permanent appointment order of petitioner dated 20.07.2017 and action of the respondents thereby, not granting pensionary benefits to the petitioner be quashed and set aside. Consequently the respondents be directed to grant pensinary benefits to the petitioner by considering her temporary service from the year 1973 till the year 2005 and on ad-hoc basic since from the year 2005 till 2017 and the permanent service from the year 2017 till her retirement accordingly be paid pensinary benefits as per old pension scheme and for that purpose necessary directions be issued.

(D) Pending admission hearing and final disposal of this writ

petition, the respondents be directed to grant provisional pension to the petitioners by considering her earlier service on temporary basis since from her initial date of appointment in terms of the provisions of the Maharashtra Civil Services (Pension) Rules, 1981 and for that purpose necessary directions be issued.”

3. Having considered the submissions of the learned advocates for the respective sides, in the light of their pleadings, we find that this Court has delivered a judgment dated 22.11.2022 in ***Writ Petition No.1546 of 2017*** filed by ***Vithal Tukaram Londhe V/s. The State of Maharashtra and Others.***

4. The present respondent no.2-University is the respondent in the said matter. The learned advocate for the petitioners submits that the claims of these petitioners can be considered by the University in the light of the said judgment.

5. The learned advocate for the University has vehemently opposed the request of the petitioners contending that the said judgment would not be applicable to the case of the petitioners.

6. We find that there are many disputed issues involved. Moreover, the petitioners are yet to approach their employer and the employer has, as yet, not passed any order of rejecting their request or

claims. It is informed that in some matters, the University has communicated that they would not consider the request of the some of the petitioners. It is undisputed that the judgment of this Court dated 22.11.2022 was not delivered, when such communications were issued.

7. In view of the above, these petitions are disposed off with the following directions:-

- (a) All these petitioners are at liberty to tender a composite/ common representation or individual representations, to the employer setting out their prayers specifically, as are set out in these petitions.
- (b) The petitioners can cite the judgment of this Court dated 22.11.2022 in the case of **Vithal Tukaram Londhe** (supra) in support of their claims and the judgement of this Court dated 19.12.2017 delivered in **Writ Petition No.7991/2016 (Gajrabai Sonba Andhare V/s. The State of Maharashtra and Others)**.
- (c) The University would consider each of these cases and if required take guidance from the State Government, if felt appropriate.

- (d) After considering the representations or upon receiving the guidance of the State Government, the University would be at liberty to deal with each representation on its own merits, independently and pass a reasoned order.
- (e) Let such exercise be completed on or before 30.06.2023.
- (f) If any of the petitioner/s is/are aggrieved by such decision, they would be at liberty to avail of a remedy as is permissible in law.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]