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

176 WRIT PETITION NO. 2539 OF 2024

MAHAVIRSING RAMCHARAN CHAUHAN AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

...

AND

177 WRIT PETITION NO. 2651 OF 2024

WITH

CIVIL APPLICATION NO. 4232 OF 2024

IN WP/2651/2024

WITH

CIVIL APPLICATION NO. 4231 OF 2024

IN WP/2651/2024

SHAMRAO BHIMRAO GHUGE AND OTHER

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHER**

...

Shri Ajay G.Talhar, Advocate for the Petitioners.

Shri V.M. Kagne, AGP for the Respondents/State.

Shri P.P. Shahane, Advocate for Respondent No.2 in
WP/2539/24.

Shri M.N. Navandar, Advocate for Respondent No.2 in
WP/2651/24.

...

CORAM : RAVINDRA V. GHUGE

&

R.M. JOSHI, JJ.

DATE :- 30th April, 2024

Per Court :-

1. All these Petitioners, while joining services, were

supposed to retire at the age of 60 years. Their appointment orders indicate their retirement age as 60 years. By the Government Resolution dated 04.04.2015, the State of Maharashtra increased their retirement age to 62 years.

2. We are informed that the matter had reached the Honourable Supreme Court and it was held that the State Government is at liberty to take a decision. Pursuant thereto, the State of Maharashtra issued the Government Resolution dated 20.02.2024 and reduced the age from 62 years to 60 years. Petitioner No.3 (Dr.Bapusaheb Dattatraya Patil) in Writ Petition No.2539/2024 and Petitioner No.6 (Vasant Bhanudasrao Dhakane) in Writ Petition No.2651/2024, are to retire after working hours today. We are informed that some of co-employees would be retiring in the coming month.

3. The order dated 28.03.2024 passed by this Court at the Nagpur Bench in Writ Petition No.1810/2024 (***Gopal Rameshwar Atal and others vs. The State of Maharashtra and others***), is cited before us.

4. The learned Advocate for the Petitioners submits before us, on instructions, that akin to the order dated 28.03.2024

passed at the Nagpur Bench in Writ Petition No.1810/2024, these Petitioners would not be claiming any salary or monetary benefits after completion of 60 years until they are working with the employer under the orders of this Court, till their petitions are finally decided.

5. In view of the above, we are considering the cases of the following Petitioners :-

(a) Petitioner No.3 (Dr.Bapusaheb Dattatraya Patil) in Writ Petition No.2539/2024, who is retiring on 30.04.2024 (today).

(b) Petitioner No.6 (Vasant Bhanudasrao Dhakane) in Writ Petition No.2651/2024, who is retiring on 30.04.2024 (today).

6. Only in the cases of the above two Petitioners, we are passing similar order directing the Employer to continue them until further orders in their petitions. None of them would be entitled for any salary or monetary benefits until further orders.

7. Insofar as Petitioner No.1 (Dr.Shamrao Bhimrao Ghuge) and Petitioner No.5 (Dr.Vilas Govindrao Takankhar) in Writ Petition No.2651/2024, we are not granting any interim

reliefs since they have already superannuated on 31.03.2024 and 29.02.2024, respectively.

8. Let the Respondents enter their affidavits in reply, on or before 14.06.2024.

9. These Writ Petitions will be listed for urgent admission hearing on 20.06.2024, considering that two Petitioners would be superannuating on 30.06.2024.

kps

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)