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

P-1 WRIT PETITION NO. 2539 OF 2024

DR. MAHAVIRSING RAMCHARAN CHAUHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER

AND

974 WRIT PETITION NO. 2651 OF 2024

DR. SHAMRAO BHIMRAO GHUGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER

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Mr A. G. Talhar, Advocate for Petitioners in both Petitions
Mr S. J. Salgare and Mr V. M. Kagne, A.G.Ps. for Respondent
No.1/State in respective Petitions
Mr P. P. Shahane, Advocate for Respondent No.2 in
WP/2539/2024 and
Mr M. N. Navandar, Advocate for Respondent No.2 in
WP/2651/2024

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 30th July, 2024

PER COURT:

1. Petitioner No.2/ Dr. Nandakumar Surendra Kute in
Writ Petition No.2539/2024 and Petitioner No.2/ Dr. Shivaji

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Pandurang Mehetre in Writ Petition No.2651/2024, are superannuating on 31/07/2024. In identical set of facts, this Court, Bench at Aurangabad and Bench at Nagpur has permitted similarly situated Petitioners, who were superannuating at the stroke of the regular age of superannuation at 60 years and had volunteered to work in the establishment beyond 60 years, without salary, to be continued. Several orders have been passed by this Court at Aurangabad Bench and Nagpur Bench permitting such Petitioners to continue to work without salary.

2. These two Petitioners are supposed to superannuate at the age of 60 years. By the Government Resolution dated 04/04/2015, the State of Maharashtra had increased their retirement age to 62 years. Subsequently, the State of Maharashtra introduced the Government Resolution dated 20/02/2024 and reduced the retirement age from 62 years to 60 years. It is on account of this reason that, those Petitioners, who have worked till the age of 60 years and volunteered to work thereafter, were permitted to be continued without salary. These

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two Petitioners also seek the same relief since they are superannuating tomorrow.

3. In various orders of this Court, similar Petitioners have been directed to tender their individual affidavit undertakings, declaring that they would not claim any salary or monetary benefits for working beyond 60 years. Their continuation would create no equities and it would be subject to the result of the Writ Petitions.

4. In view of the above and for the same reasons, these two Petitioners be continued until further orders. They would not be entitled for salary/monetary benefits, unless so ordered by this Court. Both of them would tender their affidavit undertakings in this Court and submit a copy to their Employer, on or before 09/08/2024, declaring that they would not claim any salary/perks/monetary benefits until further orders from this Court.

5. If such affidavit undertakings are not filed, the Employer would be at liberty to disengage these Petitioners after

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the timeline has expired, without reference to the Court. If any of the Petitioners, who have availed of such types of orders herein before and have not tendered their affidavit undertakings, shall tender them till 09/08/2024, failing which, their Employers would be at liberty to discontinue them without reference to the Court.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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