

WRIT PETITION NO. 14517 OF 2024

HUSENBASHA
RAHAMAN
NADAF

Prakash Eknath Shingare Ana Anr ...Petitioners
Versus
The State Of Maharashtra And Anr ...Respondents

Mr. Sidharth Samantaray i/b. Mr. Swapnil Dhage, for Petitioners.
Ms. Ashwini A. Purav, AGP for Respondent No.1.

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 22nd OCTOBER, 2024

P.C.:

1. **Issue notice** to the Respondents, returnable on **3rd December, 2024**. The learned AGP waives service of notice on behalf of Respondent No.1.

2. This Court, in series of orders passed at the Principal Seat, Nagpur & Aurangabad Benches (which are annexed to this Petition), has directed that the Petitioners would tender affidavit undertakings that they would continue in employment beyond 60 years, without salary. If eventually their claims are sustained, they would be entitled for the service benefits. Their continuation

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would create no equities and it would be subject to the result of the Writ Petitions.

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

4. In view of the above, and for the same reasons as recorded in several other orders passed by this Court, these two Petitioners would be continued until further orders or until 62 years, which ever is earlier. They have tendered their individual affidavit undertakings dated 21.10.2024, which are marked as 'X-1' and 'X-2' for identification. A copy of such undertakings

would be tendered by the Petitioners to their employer Respondent No.2 herein within three weeks from today.

5. Needless to state that, if the Court delivers any verdict in favour of such employees, the Petitioners' right for service benefits would be considered.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)