

GAYATRI
RAJENDRA
SHIMPI

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
Date: 2025.11.13
20:11:55 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(Sr. No. 20) WRIT PETITION NO. 7614 OF 2025

Kamalkishor Rambilasji Atal ... Petitioner
Versus
The Sec. For Computer
Technology And Research
Throu. The Chairman And Ors. ... Respondents

**WITH
(Sr. No. 24) WRIT PETITION NO. 9368 OF 2025**

Smt. Vandana Jayant Damle ... Petitioner
Versus
The Chairman, The Society for
Computer Technology And
Research And Ors. ... Respondents

Mr. Vaibhav Kulkarni i/b Mr. Prathamesh Deshpande, Advocates for the
Petitioners in WP No. 7614 of 2025.

Mr. Vaibhav Kulkarni, Advocate for the Petitioner in WP No. 9368 of
2025.

Ms. Anu Kaladharan h/f Mrs. Anjali Helekar, Advocates for Respondent
No.5 – AICTE in WP No. 9368 of 2025.

Mr. Sukand Kulkarni, Advocate for Respondent No.2 in both Writ
Petitions.

Mr. Yatin S. Khochare, 'B' Panel Counsel, Advocate for Respondent
Nos. 3, 4 & 6 in WP No. 9368 of 2025.

Mr. P. P. Kakade Addl. GP a/w Mr. A. K. Naik, AGP for
Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 12th NOVEMBER, 2025

ORAL JUDGMENT (*per : Ravindra Ghughe*)

1. The request of the Petitioners to delete Savitribai Phule Pune University from the array of Respondents is accepted. Deletion be carried out forthwith.

2. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

3. We have considered the submissions of the learned Advocates for the respective parties before us. With their assistance, we have gone through the order passed by this Court on 20th December, 2022 in WP No. 7111 of 2017 (Mrs. Vandana Jayant Damle and Shri Kamalkishor Rambilasji Atal Vs. The State of Maharashtra and Ors.). We have also perused the order of the Hon'ble Supreme Court dated 11th March, 2024 passed in Special Leave to Appeal (C) No.(s). 7540 of 2023 (Pune Institute of Computer Technology Vs. Vandana Jayant Damle & Ors.), vide which, the Hon'ble Supreme Court approved the Judgment of this Court dated 20th December, 2022 (supra) and dismissed the Special Leave Petition. The Petitioners who were before this Court earlier with reference to the 6th Pay Commission dues in the above-referred cases, are

once again before this Court with reference to the Institutions' failure to extend the benefits of the 7th Pay Commission.

4. The learned Advocate for the Institution has made a valiant attempt to oppose these Petitions. However, on the basis of the record, he is unable to point out as to whether there is any law or provision by which the 7th Pay Commission is not applicable to the Educational Institution. The fact situation in which the 6th Pay Commission was held applicable by this Court and by the Hon'ble Supreme Court, is not even slightly different in the cases before us today. The 6th Pay Commission has been eclipsed by the 7th Pay Commission. What applied in law to the Respondent Institution with reference to the 6th Pay Commission, *pari-materia*, applies even with reference to the 7th Pay Commission. The situation is the same. The 7th Pay Commission admittedly is applicable to the Respondent Institution.

5. In view of the above, **Writ Petition No. 9368 of 2025 filed by Mrs. Vandana Jayant Damle is allowed** in the light of the judgment of this Court dated 20th December, 2022. Mrs. Vandana Jayant Damle would be entitled to the benefits of the 7th Pay Commission recommendations w.e.f. 1st January, 2016 and would consequentially be

entitled to up-gradation and salary-scale revision. All arrears of salaries to be paid under the 7th Pay Commission shall be paid to her within 90 days from today, along with simple interest at 6% p.a. from the date the amounts became due and payable.

6. With reference to the Writ Petition No. 7614 of 2025 filed by Shri Kamalkishor Rambilasji Atal, this Court had recorded in its order dated 20th December, 2022 (supra) that since he has been dismissed from service, he would be entitled to the benefits as per the 6th Pay Commission recommendations up to 31st July, 2019, since he was dismissed on 1st August, 2019.

7. We are now informed and there is no dispute, that Shri Kamalkishor Rambilasji Atal approached the College and University Tribunal by preferring Appeal No.25/2019 (P) for challenging his termination from service. By judgment dated 8th May 2025, the appeal was partly allowed. The termination was set aside with continuity and full back wages. Since the Petitioner superannuated on 30th November, 2019, he would now be deemed to be in service. Now his case is no different than that of Vandana. Now that he has been held to be reinstated in service till the date of superannuation, he would also be entitled to

identical benefits as like Vandana, till 30th November, 2019. In view of our directions in the case of Vandana, on identical footing, his retiral benefits and pensionary benefits would be calculated on the basis of the last drawn salary as per the scale available to him under the 7th Pay Commission recommendations. **This Writ Petition No. 7614 of 2025 also stands allowed** as like the case of Vandana.

8. Rule is made absolute in the above terms in both these cases.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)