

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAW) NO.2089 OF 2018

IN

WRIT PETITION NO.6230 OF 2005

SUNIL ONKARRAO UDAPURKAR AND ORS.

VS

THE STATE OF MAH. ORS.

WITH

WRIT PETITION NO.533 OF 2016

VIJAY RAMRAO DHAKITE AND OTHERS

VS

**THE STATE OF MAHA., THR. SECT. DEPT. OF TECHNICAL AND
HIGHER EDUCATION, MUMBAI AND OTHERS**

WITH

WRIT PETITION NO.523 OF 2016

ARUN SHANKARLAL JOSHI AND OTHERS

VS

**THE STATE OF MAHA., THROUGH ITS SECRETARY, DEPT. OF
TECHNICAL AND HIGHER EDUCATION, MUMBAI AND OTHER**

WITH

WRIT PETITION NO.1706 OF 2007

SUDHIR S/O VISHWANATH NANDURKAR AND 4 ORS.

VS

THE STATE OF MAH. THRU ITS SECY AND 4 ORS.

WITH

WRIT PETITION NO.198 OF 2005

VIJAY RAMBHAUJI BABHARE, NAGPUR

VS

**NAGPUR MUNICIPAL CORPORATION THR COMMISSIONER,
NAGPUR AND OTHERS**

WITH

WRIT PETITION NO.1025 OF 2016

VIJAY RAMBHAUJI BABHARE, NAGPUR

VS

**NAGPUR MUNICIPAL CORPORATION THR COMMISSIONER,
NAGPUR AND OTHERS**

WITH

CONTEMPT PETITION NO.44 OF 2022

SUNIL ONKARRAO UDAPURKAR AND ANR.

VS

SHRI RAJENDRA FATALE

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

WP No.6230/2005

Mr. R.S. Parsodkar, Advocate for the petitioner/s

Mr. H.D. Marathe, AGP for the respondent/State
 Mr. Amol Patil, Advocate for the respondent No.2
 Mr. N.S. Khubalkar, Advocate for the respondent Nos.6 and 7

WP No.533/2016

Mr. R.S. Parsodkar, Advocate for the petitioner/s
 Mr. H.D. Marathe, AGP for the respondent/State
 Mr. Amol Patil, Advocate for the respondent Nos.2 to 4

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WP No.1706/2007

Mr. R.S. Parsodkar, Advocate for the petitioner/s
 Mr. H.D. Marathe, AGP for the respondent/State
 Mr. Amol Patil, Advocate for the respondent Nos.3 to 5

WP No.198/2005

Mr. H.D. Marathe, AGP for the respondent/State

WP No.1025/2016

Mr. H.D. Marathe, AGP for the respondent/State
 Mr. N.A. Padhye, Advocate for the respondent No. 4
 Mr. S.M. Puranik, Advocate for the respondent No.5

CP No.44/2022

Mr. R.S. Parsodkar, Advocate for the petitioner/s
 Mr. H.D. Marathe, AGP for the respondent/State

CORAM : ANIL S. KILOR AND VRUSHALI V. JOSHI, JJ.

DATE : 05.08.2025

CIVIL APPLICATION (CAW) NO.2089 OF 2018

1. This application is filed for modification of the order dated 18.07.2018 passed by this Court, whereby this Court directed as under:

“3. We record the statement made by the Chief Officer, Municipal Council, Achalpur that there is no dispute regarding entitlement of the petitioners to gratuity as well as the leave encashment. It is also stated before us by the Chief Officer, Municipal Council, Achalpur that on 27/4/2018 proposal regarding finalization of pension of the petitioners is forwarded to the office of the Director of Technical Education.

4. We expect the Director of Technical Education to act upon such proposal and take appropriate steps within a period of one month from today. If such steps are not taken, the office of Director of Technical Education shall have to pay costs of Rs.1,000/- per day to the petitioners for each day delay caused in disbursal of the amount of pension.”

2. Though, nothing in these two paragraphs indicates that this Court directed to grant pension to any of the petitioners in contravention of the law or the Government Resolution, under which the management of the college was taken over by the Government. It also does not suggest that pension should be granted to any person who is otherwise ineligible

3. However, Mr. Khubalkar, learned counsel for respondent Nos. 6 and 7, repeatedly argues that the last line of the said order dated 18.07.2018 refers to action in case of delay in disbursal of the pension amount which suggests that, irrespective of whether the person is eligible or not, the authority is obligated to make the payment.

4. If there was any doubt in the mind of the authority about interpretation of these paragraphs and particularly, the last line of the said order on which unnecessary emphasis has been placed by the learned counsel for the respondent Nos.6 and 7, by reading the said last line in isolation, without taking into consideration the other part of the order, the authority had a remedy to immediately

approach this Court, pointing out the fact that the petitioners Nos.1 and 2 were not eligible even to process their applications for pension. However, the application came to be moved after the pension case was allowed and the amount was disbursed.

5. If the authority has wrongly interpreted the order of this Court and consequently granted benefits to ineligible persons, the authority is responsible for such misinterpretation and shall be held accountable.

6. In the circumstances, the authority may avail the remedy as available in law. The interpretation of paragraphs 2 and 3 of the said order as made by the Director of Technical Education, while moving the present application, does not appear to be correct.

7. In that view of the matter, we do not think it necessary to allow this application to modify the order of this Court. Accordingly, the application is **rejected**.

WRIT PETITION NO.6230 OF 2005
AND
WRIT PETITION NO.533 OF 2016
AND
WRIT PETITION NO.523 OF 2016
AND
WRIT PETITION NO.1706 OF 2007
WITH
CONTEMPT PETITION NO.44 OF 2022

8. The learned counsel for the petitioners states that nothing survives in the present petitions, as the relief sought in the petitions has been granted to the petitioners and the petitions have become infructuous.

9. Accordingly, the petitions are **disposed of** as infructuous.

WRIT PETITION NO.198 OF 2005
AND
WRIT PETITION NO.1025 OF 2016

10. At the request of the learned AGP, place these matter on **12.08.2025**.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)