



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

WRIT PETITION NO. 4433 OF 2023

State of Maharashtra and others

.Vs.

Dr. Dipak Tukaram Tayade

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr Neeraj Patil, AGP for the petitioners
Mr Hrishikesh Chitaley, Advocate for respondent

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : NOVEMBER 25, 2025.

Heard.

2. The judgment passed by the Maharashtra Administrative Tribunal, Nagpur dated 22.09.2022 in original application No. 42 of 2020 filed by the respondent seeking protection of pay drawn by him while serving in private/non-government college receiving 100% grant-in-aid and old pension GPF scheme after switching the Government College/ Institution was allowed.

3. The learned Tribunal while allowing original application filed by the petitioner quashed and set aside the orders dated 17.01.2020, 19.12.2019 and 18.01.2020 and validity of the order of pay fixation dated 22.01.2015 was upheld.

4. The petitioners were directed to give all pensionary benefits as per the old pension scheme/Provisions of M.C.S. (Pension) Rules, 1982 as well as General Provident Fund Scheme by counting the services of the respondent from 03.10.1988 as continues service for pensionary and retiral benefits.

5. The whole case of the respondent before Maharashtra Administrative Tribunal was based on the similarly circumstanced employees mainly Dr. S. S. Pawar, S. S. Kasarla, Mr Kiran Gangadhar Dhandore and Shri M. V. Munde. Considering their cases, the learned Tribunal has held thus :

“9. Cases of these four employees and that of the applicant are exactly identical. It may also be mentioned that in orders at Annexures A-13 and A-14 there is a reference to G.R. dated 23.03.1994. From perusal of Annexures A-13, A-14 and A-23 it can be gathered that for the purpose of pay protection and counting / tagging previous service Government colleges and private colleges receiving grant-in-aid are treated to be on par.”

6. The learned Tribunal further relied upon the judgment of the Tribunal dated 19.04.2022 passed in Original Application No.219 of 2019 while allowing the original application filed by the respondent the relevant findings recorded by the Tribunal are in para 10, which reads thus:

10. The applicant has also relied on the judgment dated 19.04.2022 (Annexure A-24) passed by this Tribunal in O.A.No.219/2019

(Dr.Kuwarlal Hiralal Wasnik versus State of Maharashtra and three others. in this case it was found that cases of Dr. S.S.Pawar and Dr. S.S.Kasarla (which are also relied upon in the instant case) and that of the applicant therein were identical, and it was held-

The applicant was working in Smt. K. L. Mahavidyalaya, Amravati as a Lecturer (Political Science). He was selected by the MPSC, therefore, he joined on the establishment of respondents. There was no break in service. He has fulfilled the conditions mentioned in the G.R. dated 01/12/2008, therefore, he is entitled for all the benefits of service and pensionary benefits as like Dr. S.S.Pawar and Shri S.S. Kasarla.

In the instant case also the applicant has inter alia relied on G.R. dated 1.12.2008.”

7. It is pertinent to note that during the pendency of this petition, a similar benefit was extended to an employee - Asmita Advait Vaidya who is similarly circumstanced with the respondent. However, without assigning any reason in her order it is stated that her case was treated as a special case and the said decision should not be treated as precedent.

8. Thus, it is apparent that on one hand the state has raised the challenge to the judgment passed by the Maharashtra Administrative Tribunal trying to deny benefit as granted by the Tribunal to the respondent and on the other hand, such benefit is being granted to the similarly circumstanced employee.

9. Furthermore, as no perversity has been pointed out in the impugned judgment and order, we do not find any reason to interfere with the impugned judgment dated 22.09.2022. Accordingly, the writ petition is **dismissed**. No order as to costs.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]

Namrata