



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

WRIT PETITION NO. 2170 OF 2023

State of Maharashtra and others

.Vs.

Kunwarlal Hiralal Wasnik

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 and order passed by the Maharashtra Administrative Tribunal, Nagpur dated 19.04.2022 in original application No. 219 of 2019 filed by the respondent seeking direction against the petitioners to grant pay protection to the applicant as on 01.06.2013 at the basic pay of Rs.40,240/- with A.G.P. Rs.9000/- and to release the arrears of salary payable to the respondent and further seeks direction to hold the respondent to be entitled for old pension scheme as per the provisions of the Maharashtra Civil Services (Pension) Rules, 1982.

3. The learned Tribunal while allowing original application filed by the petitioner quashed and set aside the communications dated 09.01.2019 and 22.02.2019.

4. The petitioners were directed to grant pay protection to the applicant as on 01.06.2013 at the basic pay of Rs.40,240/- with A.G.P. Rs.9000/- and further 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 17.11.1997 as a continuous 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 in para Nos.12 and 13 thus :

“12. Dr. S.S. Pawar and Shri S.S. Kasarla were working in the private colleges having 100% grant-in-aid. They were appointed by the MPSC with the respondents. They were given the benefit of old pension scheme and their pay scales etc. were protected. Recently, on 23/11/2016 and 15/12/2020, the respondents have given the same benefits to Shri K.G. Dhandore and Shri M.V. Mundhe. The case of the applicant is same as like above said employees.

13. 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...”

6. 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.

7. 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.

8. 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 19.04.2022. Accordingly, the writ petition is **dismissed**. No order as to costs.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]