

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6521 OF 2024**

Dr. Damayanti Chandrashekhar GharpurePetitioner

Versus

The Registrar/Vice Chancellor & Ors.Respondents

Mr. Suresh Pakale, Senior Advocate a/w. Mr. Nilesh Desai i/b.
Ms. Padmaja Malgaonkar for the Petitioner.

Mr. Rajendra Anbhule a/w. Ms. Pooja Pall and Ms. Nisha Ahire for
Respondent Nos.1 and 2.

Mr. K.S. Thorat, B Panel Counsel AGP for Respondent Nos.3 to 5.

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

DATE : 28th MARCH, 2025

P.C. :-

1. Respondent Nos.3 to 5 had waived service on 8th May, 2024. Yet, no affidavit in reply has been filed. Respondent No.3 is the Principal Secretary, Department of Higher Education. Respondent No.4 is the Joint Director, Department of Higher Education and Respondent No.5 is the Director of Higher Education. The learned AGP submits that Respondent Nos.3, 4 and 5 have not received any proposal from Savitribai Phule Pune University.

2. Service affidavit was filed by the Petitioner on 10th June, 2024. Respondent Nos.1 and 2 (contesting Respondents)

caused an appearance through an Advocate on 13th June, 2024. Yet, affidavit in reply has not been filed.

3. The learned Senior Advocate representing the Petitioner prays for ad-interim relief in the nature of provisional pension on the ground that, by an order dated 29th July, 1988, the University of Pune recorded in its order of appointment that the Petitioner was appointed as a Lecturer in Electronic Science in a particular pay scale. It was declared that she would be governed by the Maharashtra Civil Service (Pension) Rules, 1982, including the Family Pension Scheme, 1964. She was also made aware that she will have to subscribe to the General Provident Fund every month at the prescribed rate according to the rules and service conditions. She was informed that if she did not obtain the Ph.D. Degree within eight years from the date of appointment, her further increments would be withheld. She was made aware that she was subject to the jurisdiction of the Pune University and she will have to enter into an agreement with the University, on appointment, which would be a part of the service conditions applicable to her.

4. The learned Senior Advocate points out from page no.24 the 'FORM OF FIXATION OF PAY' which was approved by

the Government under the Government Resolution dated 27th February, 1989. The details of pay fixation are set out. At the bottom of the document, the endorsement indicates approval by the Higher Education Grants, Pune Region, Pune. It is further pointed out that when the Petitioner received her increments in view of having acquired Ph.D., the Administrative Officer, Higher Education, Pune Region approved her basic pay and placed her in the senior scale post of Lecturer and once again, 'FORM OF FIXATION OF PAY' was filled in and approved by the Education Department of the State of Maharashtra.

5. The grievance of the Petitioner is that she approached this Court in the light of the communication dated 27th January, 2018 issued by the Assistant Finance Officer of the University directing the Assistant Registrar, Administrative (Teacher's Section), not to receive the contribution towards the Provident Fund qua the Petitioner since her post was not granted by the State Government. It indicates that the clock of time is being turned backwards, by around 30 years and the Petitioner is now being told that she was working on a post which was not sanctioned by the State. The Petitioner has superannuated on 31st May, 2022 and is now a senior citizen. She is yet to receive her pensionary benefits.

6. This Court cannot wait till the Respondents make up their minds for filing an affidavit in reply. We, therefore, direct that the provisional pension proposal of the Petitioner shall be forwarded by the Pune University within 15 days, to the State Government (competent Department) for grant of provisional pension and the State Government shall approve the provisional pension proposal within 15 days thereafter.

7. In the interregnum, let the Respondents file their affidavits in reply on or before 25th April, 2025.

8. List this Petition on 30th April, 2025 in the urgent admissions category.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)