



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

***INTERIM APPLICATION NO. 6406 OF 2024
IN
WRIT PETITION NO. 2224 OF 2021***

Dr. Y.S. Vaishampayan (since deceased)
through Legal Heirs and Ors. ... Applicants/Petitioners
V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Sumit Kate i/b. Dr. Uday Warunjikar for the Petitioners in WP
2224/21

Jaymangal Dhanraj with Disha Vardhan for the Respondent No.2

Ms. Ashwini A. Purav, AGP for Respondent No.1

Dr. Vilas Nandavadekar, Respondent No.2 -Registrar of University
present

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 08 MAY 2024

P.C. :-

In this writ Petition various orders have been passed from time to time. By order dated 18 January 2021 the Division Bench issued ***Rule*** in the Petition.

2. The Petitioners were terminated from service. The Division Bench *prima facie* observed that there is no power in the Respondent – University to either give a break in service or terminate a person in regular service without notice or enquiry. The



Division Bench considering that the Petitioners themselves have offered to work at 50% of their salaries in view of the Covid 19 - Pandemic and low number of students permitted to the Respondent - Institute to pay the salaries at 50%. The position now no longer continues.

3. The Petitioners therefore have taken out this application for payment of full salary as per 7th Pay Commission. Reply affidavit is filed in which it is stated that the University has taken a decision in view of the financial difficulties faced. The fact that 7th Pay Commission is applicable to the University is not being disputed before us. As regards the financial difficulty we had adjourned the matter from time to time and also suggested that the University should take all its employees in confidence in such matters and work out the payment by way of installment, etc. No commitment in writing is placed before us. It is not possible for us to adjourn the matter further.

4. We therefore allow the Interim Application in terms of prayer clauses (a) and (b). The payment will be subject to the outcome of the Writ Petition. The Respondent – University will commence the payment of salary as per the 7th Pay Commission starting from 1 May 2024 onwards.

M.M. SATHAYE, J.

NITIN JAMDAR, J.