

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

WRIT PETITION NO. 11657 OF 2018

Mr. Katkhede Gopal Ukarda

...Petitioner

Versus

Mah. Academy Of Engineering And
Educational Research And Ors.

...Respondents

Mr. Surel Shah, Senior Advocate a/w Mr. Ishaan Kapse for the Petitioners in WP/4855/2006 and WP/6760/2012 and for the Respondent in WP/11657/2018.

Mr. Ashok B. Tajane a/w Mr. Y.G. Thorat for Respondent in WP/4855/2006 and WP/6760/2012 and for the petitioner in WP/11657/2018.

Mr. A.I. Patel, Addl. G.P. a/w Mr. K.S. Thorat 'B' Panel Counsel for the State.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 17 MARCH 2025

P.C.:

1. We have heard learned counsel for the parties.
2. The prayer in the petition is that the petitioner ought to be paid by respondent no.1 the salary as per the implementation of the fourth, fifth and sixth Pay Commission Reports to the non-teaching staff. The petitioner was working on the post of Turner with the Maharashtra Academy of Education and Research, Pune.
3. Mr. Shah, learned counsel for the respondent – Institution has placed on record a letter dated 27 November 2021 issued by the

Managing Trustee and Executive President which is old instruction dated 27 November 2021 that the respondent is ready and willing to make a payment of Rs.30 Lakhs in full and final settlement. The pay structure tendered by the learned counsel for the petitioner is taken on record.

4. On the other hand, Mr. Tajane, the learned counsel for the petitioner has placed on record a calculation of such amounts which are due and payable to the petitioner for the three periods 1986 to 1996, 1997 to 2006 and thereafter, till retirement/superannuation which is 1 December 2021. As fairly stated at the bar, it appears that the issue is of calculation and not on the entitlement.

5. In this view of the matter, Mr. Shah has suggested that an independent officer is required to be appointed so that a fair calculation of the amount which is due and payable to the petitioner is calculated so that the dispute is resolved.

6. In the aforesaid circumstances, we are of the opinion that the parties be directed to approach the Chief Accounts Officer, Savitribai Phule University of Pune who shall depute a responsible senior officer in his department to undertake the calculation which shall be under his supervision and arrive at appropriate calculation of the amounts.

7. The parties are directed to present their respective material to the Chief Accounts Officer of the Savitribai Phule University of Pune within a period of one week from today. The concerned officer shall hear the

parties on the respective documents and contentions and arrive at an appropriate calculation which be permitted to the parties within a period of two weeks from the officer entering the reference.

8. We accordingly adjourn the proceedings to 15 April 2025 'High on Board' for compliance of the present order. Respondent no.1 is directed to deposit to the Chief Finance Officer of the Savitribai Phule University an amount of Rs.50,000/- for initial payment of the appropriate fees to be paid to the concerned officer who shall undertake the exercise. All contentions of the parties on the respective calculation are kept open to be considered by such officer.

9. Stand over to **15 April 2025 'High on Board'**.

10. The authorities to act upon an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]