



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Writ Petition No. 1727 of 2018

Meshram Siddharth Ganpati ... Petitioner

V/s.

Shrimati Nathibai Damodar
Thackersey Women's University
and others ... Respondents.

Mr. C.R. Sadasivan for the Petitioner.

Ms. Disha Vardhan and Ms. Prajкта Shinde and Ms. Pushpa Prajapati
for respondent No.1 -University.
Mr. Vishal Thadani, Addl. Government Pleader for the State.

**CORAM : S.M. MODAK &
SANDEEP V. MARNE, JJ.**

DATE : 24th March 2026.

P.C. :

1. The Petitioner has filed this petition seeking payment of salary and allowances for the period from 22nd May 2012 to 17th December 2012. The Petitioner was working as a Deputy Librarian in the Respondent-University and was due to retire on attaining the age of 60 years on 31st December 2011. Expecting that the State Government would increase the age of retirement of Dy. Librarian from 60 years to 62 years and awaiting issuance of necessary



Government Resolution ('G.R.') in that regard, the University continued the services of the Petitioner after 31st December 2011. The Petitioner worked from 1st January 2012 to 21st May 2012. The University paid salary and allowances to the Petitioner for the period from 1st January 2012 to 21st May 2012 from its own funds. However, since issuance of G.R. increasing age of superannuation from 60 years to 62 years was delayed, the University finally did not permit the Petitioner to work beyond 22nd May 2012.

2. Shortly thereafter, Government issued G.R. dated 22nd August 2012 enhancing the age of superannuation *inter alia* for Dy. Librarian from 60 years to 62 years. In respect of the Petitioner, a separate order was issued by State Government on 10th December 2012 granting him extension for the period from 1st January 2012 to 31st December 2013. In pursuance of order dated 10th December 2012 the University permitted the Petitioner to resume duties from 18th December 2012. He accordingly continued to work upto 31st December 2013 and on attaining the age of 62 years, he superannuated on 31st December 2013.

3. In the light of above position, the Petitioner prays for salary and allowances during gap period from 22nd May 2012 to 17th December 2012.

4. We have heard Mr. Sadasivan, the learned counsel appearing for the Petitioner, Ms. Shinde and Ms. Vardhan, the learned counsel appearing for Respondent – University and Mr. Vishal Thadani, the



Additional Government Pleader for Respondent Nos.2 and 4 – State.

5. After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that in the Government Resolution dated 22nd August 2012, which effected increasing the age of superannuation from 60 to 62 years for Dy. Librarian, a specific provision was made in Para No.3(vi) that in respect of those Dy. Librarians who had already superannuated before issuance of the G.R., no wages would be payable during gap period from the date of superannuation till the date of resumption of duties. Para 3 (vi) of the G.R. dated 22nd August 2012 reads thus:

“(vi) सदर शासन निर्णय निर्गमित होण्यापूर्वी जे ग्रंथपाल, उप ग्रंथपाल, सहायक ग्रंथपाल सेवानिवृत्त झालेले आहेत, अशा अशांना मुदतवाढ देतांना त्यांच्या सेवानिवृत्तीचा दिनांक व त्यांना प्रत्यक्ष मुदतवाढ देण्यात आल्यानंतर ते कर्तव्यावर रुजू झाल्याचा दिनांक या दरम्यानचा कालावधी हा प्रत्यक्ष कर्तव्य कालावधी असणार नाही. त्यामुळे सदर कालावधीतील कोणतेही वेतन अनुज्ञेय राहणार नाही.”

6. In view of Para 3(vi) of the G.R. dated 22nd August 2012, the Petitioner is not entitled to receive salary and wages in respect of the period when he was supposed to retire (31st December 2011) and date on which he resumed his services (18th December 2012). Irrespective of this position, the University on its own, permitted the Petitioner to actually perform duties during 1st January 2012 to 21st May 2012. University paid salary and allowances of Rs.5,39,545/- to



the Petitioner in respect of period from 1st January 2012 to 21st May 2012 from its own funds. The State Government has refused to reimburse the University the amount of wages for the period from 1st January 2012 to 21st May 2012 and the University has already borne financial burden in respect of the said period. It is an admitted position that the Petitioner did not actually perform duties from 22nd May 2012 till 17th December 2012. Therefore, on this count, this Court is unable to direct payment of any salary either by University or by the State Government. Though Petitioner is denied salary for the period from 22nd May 2012 to 17th December 2012, the entire period from 1st January 2012 till 31st December 2013 is computed towards pension.

7. Considering the above position, we are of the view that no case is made out for grant if any relief to the Petitioner in the present petition.

8. At this stage, Ms. Vardhan, the learned counsel appearing for the Respondent No.1 – University submits that in respect of the period from 18th December 2012 to 31st December 2013 also University has paid salary and allowances to the Petitioner from its own funds though the University is entitled to claim reimbursement therefor from the State Government. It is for the University to submit a proposal in that regard which shall be decided by the State Government in accordance with provisions of G.R. dated 22nd August 2012.



9. The Writ Petition is accordingly rejected.

(SANDEEP V.MARNE,J)

(S.M.MODAK,J.)