

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 7412-7413 /2021
(Arising out of SLP(C) No(s). 25697-25698/2016)

DR. VISHWAMBHAR NAGNATH INGOLE

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & Ors.

Respondent(s)

WITH

Civil Appeal No(s). 7415-7416//2021
(Arising out of SLP(C) No(s).13985-13986/2016)

Civil Appeal No(s). 7417-7418 /2021
(Arising out of SLP(C) No(s). 25706-25707/2016)

Civil Appeal No(s). 7420-7421//2021
(Arising out of SLP(C) No(s). 27554-27555/2016)

Civil Appeal No(s). 7423-7424 /2021
(Arising out of SLP(C) No(s). 27548-27549/2016)

Civil Appeal No(s). 7426-7427 /2021
(Arising out of SLP(C) No(s). 27557-27558/2016)

Civil Appeal No(s). 7429-7430 /2021
(Arising out of SLP(C) No(s). 31655-31656/2016)

Civil Appeal No(s). 7432-7433/2021
(Arising out of SLP(C) No(s). 31657-31658/2016)

O R D E R

Civil Appeal No(s). 7412-7413 /2021
(Arising out of SLP(C) No(s). 25697-25698/2016)

Leave granted.

These appeals challenge the judgment and orders dated 19-01-2016 and 26-04-2016 passed by the High Court of Judicature at Bombay in WP No. 5677/2013 & RP No. 44/2016 filed in WP No. 5677/2013 respectively.

The basic issue which arose for consideration was whether the appellants were entitled to extension in the age of superannuation from 62 to 65 years.

After having ruled against the appellants, the directions issued by the High Court in Paragraph 43 of its judgment were as under:

“43.

(A) Rule is made absolute in Writ Petition No.3481 of 2015 in terms of prayer clauses (B) and (BB). The decision of the Performance Review Committee dated 14th June, 2013 and the order of the State Government dated 29th November, 2013, are hereby set aside.

(B) The Civil Application No.3395 of 2015 in Writ Petition No.3481 of 2015 is disposed of in the aforesaid terms;

(c)Rule is discharged in Writ Petition Nos. 986 of 2013, 5677 of 2013, 5678 of 2013, 5679 of 2013, 6164 of 2013, 9820 of 2013, 9821 of 2013, 12051 of 2012, 12052 of 2012 and 12056 of 2012 and Civil Application No.693 of 2015 in Writ Petition No.5677 of 2013 and Civil Application No.2762 of 2013 in Writ Petition No.9820 of 2013 are also disposed of in the aforesaid terms. The interim orders granted in these petitions stand vacated.

(d) The Petitioners-Principals, in the petitions referred in clause (C) above, are directed to refund to the State Government all the financial benefits like salary etc. obtained by them in respect of their continuance in service beyond the age of 62 years within a period of three months from today. In case, the State Government or the Institutions in which the Petitioners-Principals have served are due and payable any amounts towards terminal benefits etc., then the State Government and/or the Institutions shall be entitled to make appropriate deduction/adjustment, so that excess amounts received by the Petitioners-Principals are recovered by the State Government. It is made clear that the excess amounts must ultimately be refunded to the State Government within a period of three months from today;

(E) All the Petitioners-Principals, shall not be entitled to count their services beyond the age of 62 years either for the purposes of retiral benefits or for any purpose whatsoever, since it is declared that their continuance beyond the age of 62 years was illegal.

(F) All the Petitioners, except the Petitioner in Writ Petition No.3481 of 2015 shall pay cost quantified at Rs.10,000/- each in favour of the State of Maharashtra.

(G) All the writ petitions stand disposed of finally in the aforesaid terms.”

The issuance of notice by this Court in these matters was restricted to the issue of refund and adverse observation(s).

It is a matter of record that the appellants worked as Principals in the respective institutions and have now retired after attaining the age of 65 years.

Heard Mr. B.H. Marlapalle, learned Senior Advocate assisted by Mr. Dilip Annasaheb Taur, learned advocate for the appellant, Mr. Vinay Navare, learned Senior Advocate for the Management and Mr. Rahul Chitnis, learned Advocate for the State.

Since the appellants had actually worked and discharged their duties as Principals, in our view, in the peculiar facts and circumstances, there ought not to be any direction to recover the financial benefits enjoyed by the appellants beyond the age of 62 years.

We, therefore, have no hesitation in setting aside the direction(s) issued by the

High Court in sub-paras (D) and (E) of paragraph 43.

The instant appeals, therefore, are allowed to the extent indicated above, without any order as to costs.

Civil Appeal No(s). 7415-7416 /2021
(Arising out of SLP(C) No(s).13985-13986/2016)

Leave granted.

These appeals challenge the judgment and orders dated 19-01-2016 passed by the High Court of Judicature at Bombay in WP No. 3481/2015 & Writ Petition No.9820/2013.

Heard Mr. Sudhanshu S. Choudhary, learned advocate in support of the appeal and Mr. Rahul Chitnis, learned counsel for the State and Mr. Vinay Navare, learned Senior Advocate for the management.

The facts and circumstances in the instant case are identical to the facts mentioned in Civil Appeals (Arising out of SLP(C) No(s).25697-25698/2016) except for an additional feature that the appellants did not have Ph.D qualifications and according to the High Court they had fraudulently secured interim orders by indulging in suppression. With the assistance of the learned counsel, we have gone through the relevant documents. The fact that they did not have the requisite qualification was clearly to the knowledge of all the concerned and yet the appellants were appointed as Principals. The appellants cannot therefore be said to have secured any interim orders from the High Court fraudulently.

For the reasons stated in the earlier order, these appeals are allowed in terms as indicated in said order.

The appeals are allowed accordingly without any order as to costs.

Civil Appeal No(s). 7417-7418 /2021
(Arising out of SLP(C) No(s). 25706-25707/2016),

Civil Appeal No(s).7420-7421 /2021
(Arising out of SLP(C) No(s). 27554-27555/2016),

Civil Appeal No(s). 7423-7424/2021
(Arising out of SLP(C) No(s). 27548-27549/2016) _

Civil Appeal No(s). 7426-7427 /2021
(Arising out of SLP(C) No(s). 27557-27558/2016)

Civil Appeal No(s). 7429-7430 /2021
(Arising out of SLP(C) No(s). 31655-31656/2016)

Civil Appeal No(s). 7432-7433 /2021
(Arising out of SLP(C) No(s). 31657-31658/2016)

Leave granted.

In terms of order passed in Civil Appeals (Arising out of SLP(C) No(s).25697-25698/2016) and for the reasons stated therein, these appeals are allowed in terms as indicated in the aforesaid order.

The appeals are allowed accordingly without any order as to costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[S. RAVINDRA BHAT]

New Delhi
December 6,2021.

ITEM NO.20 Court 2 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).25697-25698/2016

(Arising out of impugned final judgment and order dated 19-01-2016 in WP No. 5677/2013 26-04-2016 in WP No. 5677/2013 26-04-2016 in RP No. 44/2016 passed by the High Court Of Judicature At Bombay)

DR. VISHWAMBHAR NAGNATH INGOLE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA THROUGH SECRETARY

Respondent(s)

WITH

SLP(C) No. 13985-13986/2016 (IX)

SLP(C) No. 25706-25707/2016 (IX)

SLP(C) No. 27554-27555/2016 (IX)

SLP(C) No. 27548-27549/2016 (IX)

SLP(C) No. 27557-27558/2016 (IX)

SLP(C) No. 31655-31656/2016 (IX)

SLP(C) No. 31657-31658/2016 (IX)

Date : 06-12-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. B.H. Marlapalle, Sr. Adv
 Mr. Manoj Swarup, Sr. Adv.
 Mr. Dilip Annasaheb Taur,, AOR
 Mr. Ankit Swarup Adv.

Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Sachin Patil, AOR

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Ms. K. V. Bharathi Upadhyaya, AOR
Mr. Amol Nirmalkumar Suryawanshi, AOR

Mr. Manoj Ranjan Sinha, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Vinay Navare, Senior Advocate,
Mr. Sugandh B. Deshmukh, Advocate
Mr. Prashant R. Dahat, Advocate
Mr. Puneet Yadav, Advocate
Mr. Sourabh Gupta, Advocate
Mr. Venkateswar Rao Anumolu, AOR(R-6)

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)