

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 370 of 2020 (D.B.)**

Dr. Smt. Indira W/o Gulab Soni,  
Aged about 60 years, Occupation : Service,  
R/o Flat NO.B-2/23, Vrindavan Complex,  
Civil Lines, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Education and Youth Services,  
Mantralaya, Mumbai-32.
- 2) Director of Education,  
Maharashtra State, Pune.
- 3) Institute of Science, through its Director,  
Civil Lines, Nagpur.

**Respondents.**

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**S/Shri S.S. Sanyal, Shiba Thakur, R.V. Shiralkar, N.R. Shiralkar &  
Amey M. Motlag, Advocates for the applicant.  
Shri M.I. Khan, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

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**Date of Reserving for Judgment : 20<sup>th</sup> July,2023.**

**Date of Pronouncement of Judgment : 26<sup>th</sup> July,2023.**

## **JUDGMENT**

**(Delivered on this 26<sup>th</sup> day of July,2023)**

The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023,dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally.

2. Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents. The learned counsel for both the parties have consented for final disposal and argued the matter finally.

3. The case of the applicant in short is as under –

The applicant was appointed by respondent no.3 on the post of Lecturer in the month of August,1985. The applicant along with other Lecturers approached to the Hon'ble Bombay High Court, Bench at Nagpur seeking continuation in service. The said Writ Petition was allowed and she was continued thereafter. On 27/02/1989, the respondent state issued Govt. G.R. On 21/04/1992, she was appointed as Associate Professor. The respondent state issued Govt. G.Rs. dated 21/02/2012 and 05/03/2011 by which the age of retirement of Associate Professor was upto 62 years. Thereafter, the

Government has issued the Circular dated 31/03/2020 by which the age of retirement of Associate Professor is reduced to 60 years. Therefore, the applicant has challenged the G.R. dated 31/03/2020. The applicant prayed the following reliefs –

*“(i) hold and declare that the applicant is entitled to work on the post of Associate Professor till she attains the age of 62 years as per Government Resolutions dated 21.02.2012 and 05.03.2011.*

*(ii) hold and declare that the Circular dated 31.03.2020 passed by the respondents retiring the applicant from her post on attaining the age of 60 years is illegal and bad and thereafter quash and set aside the same.*

*(iii) direct the respondent no.3 to reinstate the applicant back in service on the post of Associate Professor.”*

4. During the course of submission, the Judgment of Hon’ble Bombay High Court, Bench at Aurangabad in Writ Petition No.7831/2016 with connected matters, decided on 06/06/2017 is pointed out. As per this decision, there is no vested right to claim the age of retirement 62 years. It was prerogative of the Government to fix the age of retirement. In the similar matters, the Hon’ble Bombay High Court has upheld the decision of Government retiring Associate Professor at the age of 60 years. The para nos.20 and 21 of the Judgment are reproduced below –

*“(20) As stated above, the State Government, in exercise of its policy making power resolved to reduce the age of retirement of the Lecturers/Associate Professors/Librarians from 62 years to 60 years*

*as per the impugned Government Resolution dated 12.07.2016. It was the prerogative of the Government to fix the age of retirement of such employees. As stated above, there is nothing on record to show that after issuance of the said resolution, the Government granted the benefit of enhanced age of retirement upto 62 years to any of the Associate Professors/Lecturers/Librarians. All the incumbents, whose cases were pending till 12.07.2016, have been treated equally in terms of the impugned Government Resolution. Thus, no discrimination has been caused by the State Government. As stated above, the reasoning given by the State Government for change in the policy in the matter of age of retirement appears to be reasonable, proper and acceptable. The impugned Government Resolution, thus, is neither irrational nor unreasonable, nor discriminatory. In the circumstances, the above cited judgment would not be of any help to the petitioners to challenge the validity of the impugned Government Resolution.*

21. *In our opinion, the impugned Government Resolution is neither unreasonable nor irrational, nor arbitrary. The proposals of the individual incumbents for getting benefit of enhanced age of retirement have been considered as per the policy that was prevailing at the time of their consideration. No discrimination has been caused by the State Government in extending or denying such benefit of any incumbent. We do not find anything unconstitutional or violative of Article 14 of the Constitution of India in the impugned Government Resolution dated 12.07.2016. The petitioners have no vested right in claiming enhancement in the age of retirement upto 62 years. If that be so, they are not entitled to get any relief as claimed in the petitions. The petitions are devoid of any substance. They are liable to be dismissed. Hence the order: -*

- (i) The Writ Petitions are dismissed.*
- (ii) Rule is discharged accordingly.*
- (iii) The parties shall bear their own costs.”*

5. The learned counsel for the applicant submits that in view of this decision, the applicant is not entitled to continue her service after 60 years, but she is entitled for pensionary benefits. In view of the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad, the applicant is not entitled to continue her service upto the age of 62 years. She is already retired at the age of 60 years. Hence, the following order –

**ORDER**

- (i) The O.A. is dismissed. No order as to costs.
- (ii) However, the respondents are directed to pay pensionary benefits, if any, to the applicant, if she is eligible.

**Dated** :- 26/07/2023.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

\*dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 26/07/2023.