

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

WRIT PETITION NO. 2183 OF 2024

Chatur Bhimsen Bagawade

VERSUS

The State of Maharashtra (through Its Secretary, Finance Dept.) And
Ors

Mr. Satish Raut, a/w Mr. Gajraj A. Mali i/b Mr. Laxman Deshmukh,
advocate for the Petitioner

Mr. Siddheshwar B. Kalel AGP for the State

**CORAM : MILIND N. JADHAV, &
NANDESH S. DESHPANDE, JJ.**

DATE : 6th AUGUST 2026

P. C. :

1. Heard Mr. Raut, learned Advocate for the Petitioner and the
learned AGP.

2. The Petitioner before us was duly appointed after following
the due process of law in the year 1995, the date of appointment of
the Petitioner was 1st September 1994. The Petitioner was appointed
on a part-time basis. He was also getting an additional
salary/benefit of 20% grant-in-aid along with his part-time salary up
to the year 2005. He retired on superannuation in the year 2025.
The Petitioner claims to be entitled to the Old Pension Scheme in

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view of the aforesaid facts, though his approval as a full-time teacher may have come subsequently.

3. In our opinion, in view of the decision of this Court in the case of **Vanita Rajendra Bhadule v. State of Maharashtra & Ors. (Writ Petition No. 18703 of 2024, decided on 25th June 2026)** and in view of the directions contained in Paragraph No. 28 thereof, the Petitioner would be entitled to the Old Pension Scheme.

4. The reasons given in Paragraph No. 28 of the said decision are well known to us. In view of the aforesaid factual admitted position, we are of the considered opinion that the case of the Petitioner is covered under Note 1 of the Rule 57 of The Maharashtra Civil Services (Pension) Rules, 1982, and he is therefore entitled to the Old Pension Scheme.

5. In view of the above observations and findings, the following order is passed:

ORDER

(I) The petition is allowed in terms of Prayer Clause (A) & (B) which read as under:

“A) Call for relevant record and papers from the office of Respondent Nos. 3 and 4 and after going through the same

i) Hold and declare that Petitioner is governed by provisions of Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and General Provident Fund Scheme.

ii) Hold and declare that Petitioner is entitled for benefits of old pension scheme and covered under the provisions of Government Resolution dated 19th July, 2011 issued by the Respondent No.2.

B) Direct the Respondent Nos. 1 to 4 to extend the benefits of old Pension scheme to the Petitioner and also direct the Respondent Nos. 1 to 4 not to apply new pension scheme i.e. Defined Contribution Pension Scheme (DCPS) to the Petitioner.”

(ii) We direct the aforesaid exercise to be completed within a period of four weeks from the date of receipt of a server copy of this order.

(iii) The concerned competent authority shall be personally responsible if they do not comply with the aforesaid directions within four weeks as directed by this Court.

(iv) Liberty is given to the Petitioner to mention the matter for contempt if the aforesaid order is not complied with.

(v) The petition is allowed and disposed of in the above terms.

[NANDESH S. DESHPANDE, J.]

[MILIND N. JADHAV, J.]

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