

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1710 OF 2015

KARBHARI KERBA DAVKARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Tripathi Manish P.

AGP for Respondents: Mr. A. S. Shinde

WITH

WRIT PETITION NO. 1718 OF 2015

RAJENDRA NAGNATH BANALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO. 1719 OF 2015

ARUN JAGANATH MALWADKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kendre N. D.

AGP for Respondents: Mr. S. K. Tambe

...

**CORAM : S. V. GANGAPURWALA &
V. L. ACHLIYA, JJ.****DATE : 13th February, 2015****PER COURT :**

1. Rule. Rule made returnable forthwith. The learned A. G.P. waives notice of rule. With the consent of parties taken up for final hearing.
2. Learned counsel for the petitioners submits that, the petitioners in writ petitions have retired between 1st January, 2006 to 26th February, 2009 and as per the judgment of this Court dated 09th May, 2014 in Writ Petition No. 8985 of 2011 with other connected writ petitions, the cut off date has been held to be erroneous and the benefit of the Government Resolution dated 30th October, 2009 has also been granted to those persons who have retired between 01.01.2006 to 26.02.2009.

3. The learned counsel further submits that, even the review filed by the State of the said judgment is rejected.

4. We have heard the learned Assistant Government Pleader also.

5. The issue involved in present writ petitions is no longer *res integra* in view of the judgment dated 09th May, 2014 in Writ Petition No. 8985 of 2011 with other connected writ petitions. Those persons who have retired in between 01.01.2006 to 26.02.2009 will also be entitled for the benefit of Government Resolution dated 30th October, 2009 with regard to the revised pension.

6. In the light of the above, we pass the following order.

1. The respondents shall consider the case of petitioners for the payment of revised pension in terms of Government Resolution dated 30th October, 2009 after satisfying itself about the eligibility of the petitioners expeditiously and preferably within a period of four (4) months from today. The petitioners may also comply with the formalities required for processing revised pension papers.
2. Rule accordingly is made absolute in above terms.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC