

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1892/2015

Gulab S/o Bandu Shinde
Age 53 years, Occu-Retired from
service as a peon, R/o Jay Malhar
Chowk, Garkheda Parisar,
Aurangabad.

.. PETITIONER

Versus

- 1] The State of Maharashtra
[Through its Secretary,
Finance Department
Mantralaya, Mumbai-400 032
[Copy to be served on Govt.Pleader
High Court of Judicature of Bombay
Bench at Aurangabad.
- 2] The Accountant General-II (A&E)
Pension Wing Old Building
In front of Ravi Bhavan, Nagpur
- 3] The Deputy Director of Education
Division Aurangabad, Aurangabad
- 4] The Education Officer (Secondary)
Zilla Parishad, Aurangabad.

.. RESPONDENTS

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Shri A.G.Ambetkar,Adv. For petitioner
Mrs.Y.M.Kshirsagar,AGP for respondent State.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 18th February, 2015.**

ORAL JUDGMENT [PER S.V.GANGAPURWALA,J.] :

Rule. Rule made returnable forthwith. With consent of parties, Petition is taken up for final hearing.

2] Mr. Ambetkar, learned counsel for the Petitioner states that the cut off date i.e. 27th February, 2009 prescribed in the Government Resolution dated 30th October, 2009 for payment of revised pension under the Maharashtra Civil Services (Pension) Rules, 1982, making it applicable to those employees who retired from 27th February, 2009 and not to those who retired between 1st January, 2006 to 26th February, 2009, is declared unconstitutional. According to the learned counsel for the petitioners, in the present writ petition, the petitioners have retired in between 1st January, 2006 to 6th February, 2009 and the judgment delivered by this Court in Writ Petition No. 8985 of 2011 with other connected matters, dated 9th May, 2014 is applicable.

3] Learned A.G.P. after going through the said judgment, does not dispute that the said judgment is applicable.

4] For the reasons recorded in the judgment delivered by

the Division of this Court dated 9th May, 2014 in Writ Petition No.8985 of 2011 with connected matters, the present writ petition also stands allowed. The State shall pay to the petitioners the difference of the pension and the revised pension payable as directed by this Court in Writ Petition No.8985 of 2011 with other connected matters. Rule accordingly is made absolute. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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