

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2544 OF 2015.

1] Ravindra Pandurang Mahajani
Age 65 years, Occu-Retired
R/o at post Songir
Near New Shani Mandir, Wani Galli
Songir, Tq. And Dist.Dhule

2] Shankar Yadav Gangurde
Age 65 years, Occu-Retired
R/o 54 Vinod Nagar
Near Netaji Shubhash
Chandraboze colony,
Deopur Road, Dhule

... Petitioners

Versus

1. The State of Maharashtra,
through Secretary,
Education and Finance
Department, Mantralaya,
Mumbai-32.

(Copy to be served on Govt.
Pleader, High Court of Bombay
Bench at Aurangabad)

2. Accountant General (A & E)-I
Maharashtra,Mumbai.

3. The Education Officer
(Secondary), Zilla Parishad,
Dhule.

... Respondents.

...

Mr.A.D.Pawar, advocate for the Petitioners.
Mrs.S.D.Shelke, Asstt. Govt. Pleader for the State.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

Date : 5th March, 2015.

ORAL JUDGMENT (Per S.V.Gangapurwala,J.)

1. Heard.
2. Rule. Rule returnable forthwith. With the consent of the parties, the petition is taken up for final hearing.
3. Mr.Pawar, learned counsel submits that the issue involved in the present petition is no longer res-integra in view of the judgment of this Court in W.P.No.8985/2011 with connected Writ Petitions decided on 9.5.2014. Learned counsel submits that even a Review filed by the State against the said judgment is dismissed. Learned counsel submits that the petitioner No.1 has retired on 01.07.2006. The petitioner No.2 has retired on 31.01.2009 and they would be entitled for the benefit of the Government Resolution dated 30th October 2009.
4. We have heard learned Asstt. Govt. Pleader also.
5. In view of the judgment of this Court dated 9.5.2014 in W.P.No.8985/2011 with connected Writ Petitions, the issue involved in the present Writ Petition is no longer res-integra. This

Court has held that the cut off dates stated in the said Government Resolution dated 30th October 2009, wherein benefit of the revised pension was not given to those employees who had retired in between 1.1.2006 to 26.2.2009 has been set aside.

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

a) The petitioners through their respective Schools/Headmasters/Management shall forward the proposal to the Respondent State for revised pension i.e. benefit as per the Government Resolution dated 30.10.2009. Upon receipt of the said proposal, the State shall process and verify the same and if otherwise the petitioners are found eligible shall give the benefit of the revised pension as per Government Resolution dated 30.10.2009, expeditiously and preferably within four (4) months from the date of receipt of the proposal.

7. Rule accordingly made absolute in above terms. No costs.

(V.L.ACHLIYA,J.)

(S.V.GANGAPURWALA,J.)

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