

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****BENCH AT AURANGABAD****WRIT PETITION NO. 3288 OF 2013  
WITH CA/12414/2014 IN WP/3288/2013****PARASMAL PUKHRAJ BAFNA  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

...

**Advocate for Petitioner : Party In Person  
AGP for Respondents: Mr. K. G. Patil**

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**CORAM : S. V. GANGAPURWALA &  
V. L. ACHLIYA, JJ.****DATE : 9th January, 2015****PER COURT :**

1. We have heard Mr. Bafna who appears in person and learned AGP for the respondents-State.

2. It is submitted that pension is not calculated and revised in the light of Justice Padmanabhan Committee Report, so also interest @ 8% per annum is required to be paid for the period of two months as per the judgment of the Division Bench of this Court at its principal seat at Bombay in PIL NO. 15 of 2012 dated 27<sup>th</sup> March, 2012. The petitioner will have to be paid pension in accordance with the Government Resolution dated 30<sup>th</sup> March, 2011, however, the proposal for revising pension was rejected on the ground that the petitioner has not completed 33 years of service. The pension was rateably reduced as the petitioner has not completed 33 years. However, in view of the Government Resolution dated 30<sup>th</sup> March, 2011 the said anomaly does not remain and the petitioner would be entitled for the revised pension as per the Government resolution.

3. The learned APP further states that as the service book was not available immediately, there was a delay of 2 months in sanctioning the revised pension as per the judgment delivered in PIL No. 15 of 2012.

4. In view of the government resolution dated 30<sup>th</sup> March, 2011, the issue is no longer *res interga*. The petitioner will be entitled to the revised pension as per Government Resolution dated 30<sup>th</sup> March, 2011 and as recommended by Justice Padmanabhan Committee Report.

5. As far as the interest is concerned, the decision of the Division Bench of this Court in PIL No. 15 of 2012 dated 27<sup>th</sup> March, 2012 is self speaking and self operating.

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

(a) The respondents shall recalculate the pension of the petitioner as per Government Resolution dated 30<sup>th</sup> March, 2011 considering Clause 2.1 of the said Resolution, expeditiously and preferably within three months from the date of this order.

(b) The respondent shall also pay interest @ 8% per annum for the period from 1<sup>st</sup> August, 2012 to 20<sup>th</sup> September, 2012 as per the judgment of Division Bench of this Court in PIL No. 15 of 2012 dated 27<sup>th</sup> March, 2012.

7. Writ petition is accordingly disposed of. No costs.

**(V. L. ACHLIYA, J.)**

**( S. V. GANGAPURWALA, J. )**

JPC