

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6290 OF 2015

ESHWAR ABARAO WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.G Rudrawar
AGP for Respondents: Mr. D.R.Korde

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: June 24, 2015

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PER COURT :-

1. Heard learned counsel for the petitioner and the learned AGP for the respondent.

2. It is the contention of the petitioner that petitioner worked as an assistant teacher and retired on attaining age of superannuation on 30.4.2007. Learned counsel submits that petitioner is entitled for the benefit of the Government Resolution dated 30.10.2009 with regard to revised pension. Cut off date as was laid down in the said Government Resolution has been held to be illegal and ultravires by this Court vide judgment and order dated 9.5.2014 in Writ Petition No.8985/2011 with connected writ petitions.

3. Issue is now no longer res-integra. It has been held that even those who have retired between 1.1.2006 and 27.2.2009 would be entitled for the benefit of the revised pension as per Government Resolution dated 30.10.2009. In light of that, we pass following order.

ORDER

I] The respondents shall, after satisfying that the petitioner has retired on attaining age of superannuation as claimed on 30.4.2007 and if found otherwise eligible for pension, shall give benefit of Government Resolution with regard to the revised pension.

Ii] The petitioner shall make representation to this effect with the concerned respondent. The respondent shall take decision on the same within a period of four months from the date of receipt of representation and, if found eligible shall make the payment of the same.

4. Writ Petition disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-