

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

WRIT PETITION NO. 6548 OF 2015

Late Vaidya Gangadharshastri Gune
Ayurvedic Mahavidyalaya, Ahmednagar .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri Yuvraj S. Choudhari, Advocate for the Petitioner.
Shri K. M. Suryawanshi, A. G. P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 17TH AUGUST, 2015.

PER COURT :

1. Mr. Choudhari, the learned counsel for the petitioner submits that, petitioner is similarly situated as the petitioners in Writ Petition No. 5771 of 2011 decided by this Court at Nagpur, vide judgment and order dated 10.06.2013. According to the learned counsel this Court also in Writ Petition No. 5155 of 2014 vide order dated 09th February, 2015, extended the benefit to employees of Ayurvedic college i.e. petitioner's college. The learned counsel submits that, the petitioner Institution is receiving grant in aid since the year, 1983 and would be governed by the pension scheme of the year, 1983.

2. This Court at Nagpur in Writ Petition No. 5771 of 2011 has observed as under -

***"In the result, it follows that the
Government decision dated 27.6.2001
refusing to extend the pension-cum-gratuity
scheme to Ayurvedic and Unani Colleges***

impugned in Writ Petition No. 5771 of 2011 and similar decision dated 12.7.2010 about Social Work Colleges impugned in other two writ petitions are, therefore, unsustainable. Submissions that communication dated 12.7.2010 is only reiteration of basic decision of the State dated 11.7.2001 not to extend said benefit to Social Work staff and has been questioned after huge delay, also does not hold any water. There is nothing on record to show that this cabinet decision was communicated to any of the concerned parties. These decisions dated 27.6.2001, 11.7.2010 and 12.7.2010 are quashed and set aside."

However, has granted the benefit from the date of the petition. It is submitted that, the Special Leave Petition filed against the said judgment is also dismissed.

3. In light of that, we follow the same course.

4. In view of the above, it is held that teachers of the petitioner's Institution appointed on or before 31.10.2005 shall be entitled for the benefit of gratuity-cum-pension as per the Government Resolution dated 21.07.1983 and those appointed on or after 01.11.2005 shall be governed by the new Defined Contributory Pension Scheme. However, the same would be from the date of the present petition, preferably within six (6) months. Writ petition is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]