

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

Writ Petition No. 8880 of 2015

Vd. Shridhar Jakhuji Darekar,
Age : 60 years,
Occupation : Retired,
R/o. Prasad Pharmacy,
Near Kinetic Square,
Station Road,
Ahmednagar - 414 005.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 32.

2. Directorate of Ayurved,
4th Floor, Government Dental
College and Hospital Building,
St. George Hospital Compound,
Mantralaya, Mumbai - 400 001.

3. The Principal Secretary,
Medical Education and
Drugs Department,
Govt. of Maharashtra,
Mantralaya, Mumbai - 32.

.. Respondents.

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Mr. S.T. Shelke, Advocate, for the petitioner.

*Mr. M.B. Bharaswadkar, Assistant Government Pleader,
for respondent nos.1 to 3.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH OCTOBER 2015

PER COURT :

1. Mr. S.T. Shelke, learned Counsel for the petitioner submits that the case of the petitioner is covered by judgment of the Division Bench of this Court at Nagpur in Writ Petition No. 5771/2011 with connected Writ Petitions dated 10-6-2013. According to the learned Counsel, the petitioner retired on 1-12-2013 as a Lecturer from Ayurved College, Ahmednagar. The petitioners in Writ Petitions referred supra are similarly situated persons and the State has also given benefits to those persons pursuant to the said judgment vide Government Resolution dated 17-1-2015.

2. The learned Assistant Government Pleader does not dispute that the present petitioner is similarly situated as that of petitioners in Writ Petition No. 5771/2011 and other connected Writ Petitions which is disposed of by judgment dated 10-6-2013. The learned Assistant Government Pleader submits that the Special Leave Petition is filed against the said judgment. The Special Leave Petition is dismissed, however, Review Application has been filed by the State and the benefits which are given, have been given subject to the decision in the said Review Application.

3. In the light of above, we also follow the same course.

However, benefit which is granted in the said judgment is from the date of the petition.

4. In the light of above, the petitioner would be entitled for the pension-cum-gratuity from the date of the present petition i.e. 14th August 2015, however, subject to the decision in Review Application filed by the State before the Apex Court.

5. The Writ Petition is accordingly disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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