

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

WRIT PETITION NO.10309 OF 2015

- 1) Sawaliram s/o Aaaram Rawte
Age: 67 Yrs., occu. Pensioner,
R/o Plot No. 9, Gat No.93,
Rajdhani Colony, Satara area,
Aurangabad.
- 2) Ramchandra s/o Sheshrao Hivrekar
Age: 66 Yrs. Occu.Pensioner,
R/o Ganpati Galli, Ambad,
Tq. Ambad, Dist. Jalgaon.
- 3) Sukhdeo s/o Mhatarji Wagh,
Age: 66 Yrs., occu. Pensioner,
R/o Plot No.9, N-13,
HUDCO Corner, Aurangabad.
- 4) Smt. Nirmala w/o Pralhad Sukhdeve,
Age: 66 Yrs., occu. Pensioner,
R/o House No. 838, N-5,
CIDCO, Aurangabad. - PETITIONERS

VERSUS

- 1) The State of Maharashtra
Through its Principal Secretary
Finance Department,
Mantralaya, Mumbai-400 032.
- 2) Deputy Director of Education,
Division Aurangabad,
Aurangabad.
- 3) Accountant General (A & E)-II,
Maharashtra, Nagpur.
- 4) The Chief Executive Officer,
Zilla Parishad, Aurangabad.
- 5) The Chief Accounts & finance
Officer, Zilla Parishad,
Aurangabad. - RESPONDENTS

Shri Sachin S. Panale and N.M.Kamble, Advocates for
Petitioners;
Mr.K.S. Patil,AGP for Respondent Nos.1 to 3.

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**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 16th December, 2015.

ORAL JUDGMENT (PER:-S.S.SHINDE,J.)

1. Rule. Rule made returnable forthwith. The learned AGP waives notice of Rule. With the consent of parties taken up for final hearing.

2. The learned counsel submits that, the petitioners in this writ petition retired from service on 28.2.2006; 2.8.2006; 31.3.2007; and 30.4.2007 respectively (i.e. between 01st January, 2006 to 26th February, 2009) and as per the judgment of this Court dated 09th May, 2014 in Writ Petition No.8985 of 2011 with other connected writ petitions, the cut off date has been held to be erroneous and the benefit of the Government Resolution dated 30th October, 2009 has also been granted to those persons who have retired between 01.01.2006 to 26.02.2009.

3. The learned counsel further submits that, even the review filed by the State of the said judgment is rejected.

4. We have heard the learned Assistant Government

Pleader also.

5. The issue involved in present writ petition is no longer *res integra* in view of the judgment dated 09th May, 2014 in Writ Petition No.8985 of 2011 with other connected writ petitions. Those persons who have retired in between 01.01.2006 to 26.02.2009 will also be entitled for the benefit of Government Resolution dated 30th October, 2009 with regard to the revised pension.

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

7. The respondents shall consider the case of petitioners for the payment of revised pension in terms of Government Resolution dated 30th October, 2009 after satisfying itself about the eligibility of the petitioners expeditiously and preferably within a period of four (4) months from today. The petitioners may also comply with the formalities required for processing revised pension papers. Rule accordingly is made absolute in above terms.

sd/-
(P.R.BORA)
JUDGE

sd/-
(S.S.SHINDE)
JUDGE

bdv/

