

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

Writ Petition No. 2948 of 2014

Rangnath s/o. Annasaheb Gath,
Age : 77 years,
Occupation : Pensioner,
R/o. Vidya Nagar, Lecturer Colony,
Sailu, Taluka : Sailu,
District : Parbhani.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai - 32.
2. The Director of Higher Education,
Maharashtra State, Pune.
3. The Joint Director,
Higher Education, Nanded Division,
Nanded.
4. The Accountant General (A.& E.)-II,
Maharashtra,
Nagpur, Dist. : Nagpur.
5. The Registrar,
Swami Ramanand Teerth University,
Nanded.
6. The Principal,
Nutan Mahavidyalaya, Sailu,
District : Parbhani.

.. Respondents.

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Mr. Y.R. Barhate, Advocate, for the petitioner.

*Mr. S.K. Kadam, Assistant Government Pleader,
for respondent nos.1 to 4.*

Mr. Y.V. Kakade, Advocate, for respondent no.5.

Respondent no.6 served (Absent).

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

DATE : 23RD SEPTEMBER 2015

ORAL JUDGMENT (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties. None present for respondent no.6 though served.
2. Rule. Rule made returnable forthwith. By consent of the learned Counsel appearing for the parties, heard finally.
3. This petition is filed with following prayer :-

[B] It may kindly be directed to the respondents, more particularly, the respondent No.4 - Accountant General (A & E)-II, Maharashtra, Nagpur, to consider the case of the petitioner and grant him revised pension of Rs. 7,470/- with effect from 01-01-1996, taking into

consideration the minimum pay as Rs. 14,940/- as on 01-01-1996 in the pay scale of Rs. 12000-420-18300 and pay arrears to that effect.

4. The learned Counsel appearing for the petitioner submits that the issue raised in this petition is no longer res integra and covered by the judgment of this Court, dated 1st August 2012, in Writ Petition No. 2630 of 2010 (Chandrakant Janardan Dangre Vs. State of Maharashtra & others) and Writ Petition No. 2957 of 2010 (Shrinivas s/o. Shankar Patwardhan Vs. The State of Maharashtra & others). He further submits that even the Special Leave Petition preferred by the State before the Supreme Court came to be rejected. This statement of the learned Counsel appearing for the petitioner is not disputed by the learned Assistant Government Pleader appearing for respondent nos.1 to 4.

5. In that view of the matter, for the same reasons which are assigned in the case of Chandrakant Janardan Dangre Vs. State of Maharashtra & others, in Writ Petition No.2630 of 2010 and companion petition, decided on 1st August 2012, we propose to pass same order.

6. The petition is partly allowed.

We find that the denial by respondents, to fix petitioner's pay at minimum i.e. Rs. 14,940/- is arbitrary, unfounded and hence, unsustainable. In this situation, we direct the respondents, to undertake exercise of revising the wages of petitioner in accordance with remark appearing in appendix-I to Government Resolution dated 11-12-1999

quoted above and if they satisfy the terms & conditions in said "remark", his pay be fixed at Rs. 14,940/- and thereafter his pension be calculated, accordingly. The said exercise shall be completed within four months from today and the revised pension along with arrears, if any, shall then be released within a period of four months to the petitioner.

7. Rule is made absolute in the above terms. There shall be no order as to costs.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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