

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 915 OF 2011**

S.G. Phadke & Ors.

.. Petitioners

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr.Nitin A. Kulkarni a/w. Mr.Avinash R. Belge for petitioners.

Ms.S.S. Bhende, AGP for respondent nos.1 to 3.

**CORAM : ANOOP V. MOHTA,  
K.R. SHRIRAM, JJ.**

**DATED : 22<sup>ND</sup> APRIL, 2015**

**P.C.**

1. In the petition rule was granted by an order dated 14<sup>th</sup> November 2011. By consent of the parties heard finally.

2. The counsel appearing for the petitioners read and referred to a Division Bench judgments of this court in writ petition No.577 of 2011 connected with writ petitions dated 10<sup>th</sup> June 2013 (Nagpur Bench). A Special Leave Petition and also the review application against the said judgment are also dismissed. The judgment has attained finality. The learned counsel appearing for the petitioners also pointed out subsequent judgments (Aurangabad Bench) dated 9<sup>th</sup> February 2015 whereby similar reliefs have been granted for pension cum gratuity from the date of filing of petition.

3. The counsel for the petitioners also makes a statement that all the petitioners are similarly situated in every aspect and requests the similar reliefs be granted for pension-cum-gratuity from the date of filing of petition, i.e., 18<sup>th</sup> January 2011. The learned AGP also conceded to the position of the judgments passed by this Court and dismissal of Special Leave Petition and the review application so referred above. Therefore, as the issue is already covered and as the petitioners in this petition are similarly situated, the petition is allowed to the following extent :

(i) For the reasons mentioned above, the petitioners would be entitled for the pension-cum-gratuity from the date of the present petition, i.e., 18<sup>th</sup> January 2011.

4. The writ petition is disposed of accordingly with liberty. No costs.

**(K.R. SHRIRAM, J.)**

**(ANOOP V. MOHTA, J.)**