

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2701/2012

Parmeshwar s/o Arvindrao Deshmukh and others

...Versus...

State of Maharashtra, through its Secretary, Department of Education,
Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri O.Y. Kashid, Advocate for petitioners
Ms N.P. Mehta, AGP for respondent nos.1 and 2

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 07.09.2015

By this petition, the petitioners seek a declaration that the petitioners are entitled for the benefits of the pension scheme as per the provisions of the Maharashtra Civil Services (Pension) Rules, 1982.

According to the petitioners, since the petitioners were appointed before the cut off date in the year 2005, the petitioners would be entitled to the benefits of the pension scheme under the provisions of the Maharashtra Civil Services (Pension) Rules.

Ms Mehta, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 2 states that the petitioners would not be entitled to the benefit of the pension scheme as it is apparent from a reading of the writ petition that

the appointment of the petitioners is approved from 1.1.2008. It is stated on behalf of the respondents that the petitioners are appointed on 1.1.2008, 7.2.2008 and 15.5.2008 as per the approval order. It is stated that as the appointment of the petitioners is not made before the cut off date, the petitioners would not be entitled to the benefit of the pension scheme.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioners cannot be granted. The appointment of the petitioners is made in the year 2008. At least, the approval to the appointment of the petitioners is granted by the Education Authorities from the year 2008. If that be so, the appointment of the petitioners cannot be considered as made before the cut off date in the year 2005. Since the essential condition for seeking the benefits of the pension scheme is not satisfied by the petitioners, the relief sought by the petitioners cannot be granted.

Since the writ petition is devoid of merits, the same is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar