

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

WRIT PETITION NOS.820/2015, 1281/2015, 1480/2015, 2304/2015,
2315/2015, 2320/2015 AND 4097/2015

WRIT PETITION NO.820/2015

Radhakisan Toshniwal Ayurved Mahavidyalaya, through its In-charge Principal,
Akola and others

...Versus...

State of Maharashtra, through the Principal Secretary, Medical Education and
Drugs Department, Mantralaya, Mumbai – 32 and others

WITH

WRIT PETITION NO.1281/2015

Action Group for Pensionary Benefits for Teaching and Non-teaching Staff of
Ayurvedic and Unani Colleges, Akola and others

...Versus...

State of Maharashtra through the Principal Secretary, Medical Education and Drugs
Department, Mantralaya, Mumbai – 32 and others

WITH

WRIT PETITION NO.1480/2015

Action Group of Retired teaching and Non Teaching Staff for Pensionary Benefits
for Ayurvedic and Unani Colleges through its Chairman, Akola and others

...Versus...

The State of Maharashtra through the Principal Secretary, Medical Education and
Drugs Department, Mantralaya, Mumbai – 32 and others

WITH

WRIT PETITION NO.2304/2015

Vinaya w/o Vilas Mujumdar and others

...Versus...

State of Maharashtra through the Principal Secretary, Medical Education and Drugs
Department, Mantralaya, Mumbai – 32

WITH

WRIT PETITION NO.2315/2015

Anil Balwant Ketkar and others

...Versus...

State of Maharashtra through the Principal Secretary, Medical Education and Drugs
Department, Mantralaya, Mumbai – 32

WITH

WRIT PETITION NO.2320/2015

Sau. Sudha Bharat Deshpande

...Versus...

State of Maharashtra through Principal Secretary, Medical Education and Drugs
Department, Mantralaya, Mumbai – 32 and another

WITH

WRIT PETITION NO.4097/2015

Smt. Chhaya w/o Harishchandra Deshpande and others

...Versus...

State of Maharashtra through the Principal Secretary, Medical Education and Drugs
Department, Mantralaya, Mumbai – 32

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

Court's or Judge's orders

Shri K.H. Deshpande, Sr. Adv. with Shri A.R. Deshpande, Adv. for petitioners in
W.P. Nos.820/15 & 2315/15

Shri K.H. Deshpande, Sr. Adv. with Shri Ashwin Deshpande, Adv. for petitioners
in W.P. Nos.1281/15, 1480/15, 2304/15 & 4097/15

Shri K.H. Deshpande, Sr. Adv. with Shri A.J. Thakkar, Adv. for
petitioner in W.P. No.2320/15

Shri D.B. Patel, AGP for respondents – State in W.P. No.820/2015

Shri N.R. Rode, AGP for respondents – State in W.P. Nos.1281/15, 1480/15

Shri D.M. Kale, AGP for respondent - State in W.P. No.2304/15

Ms Tajwar Khan, AGP for respondent – State in W.P. No.2315/15

Shri A.S. Fulzele, AGP for respondent nos.1 and 2 – State in W.P. No.2320/15

Shri A.S. Fulzele, AGP for respondent nos.1 and 2 – State in W.P. No.4097/15

**CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.
DATE : 28.09.2015**

Heard.

Shri K.H. Deshpande, the learned Senior Counsel for the petitioners states that the issue involved in these writ petitions was also involved in Writ Petition No.5771/2011 and the Nagpur Bench of the Bombay High Court had by the judgment and order dated 10.6.2013 directed the State Government to extend the benefits flowing from the Government Resolution to the teaching and non-teaching employees appointed on or before 31.10.2005 as per gratuity-cum-pension scheme and those appointed after 1.11.2005 as per new defined contributory pension scheme. It is stated that on the basis of the judgment dated 10.6.2013 similar benefit was extended to the employees of the Ayurvedic and Unani Colleges in Writ Petition No.5155/2014. It is stated that similar matters came up for hearing before the Principal Seat and the Aurangabad Bench in Writ Petition Nos.915/2011 and 6548/2015 respectively and by following the judgment dated 10.6.2013 in Writ Petition No.5771/2011 and judgment dated 9.2.2015 in Writ Petition No.5155/2014, the benefit has extended to the teaching and non-teaching employees of the said colleges. The learned Senior Counsel seeks a similar order in these cases also.

Mrs. B.H. Dangre, the learned Government Pleader appearing on behalf of the State Government does not dispute the statements made on behalf of the petitioners, relating to the decisions rendered at the Principal Seat and the Benches at

Aurangabad and Nagpur. It is however stated, on instructions, that some time would be required to implement the Government Resolution dated 17.1.2015.

Since directions are issued to the respondents to provide the benefits to the petitioners at the Principal Seat and the Aurangabad Bench, preferably within a period of six months, on parity, we intend to pass a similar order in these petitions also.

Hence, for the reasons recorded in the judgments dated 10.6.2013 and 9.2.2015 in Writ Petition Nos.5771/2011 and 5155/2014 respectively, the present writ petitions are allowed. It is hereby held that the petitioners appointed on or before 31.10.2005 would be entitled to the benefit of gratuity-cum-pension scheme as per the Government Resolution dated 21.7.1983 and those appointed on or after 1.11.2005 shall be governed by the new defined contributory pension scheme. The petitioners would be entitled to such benefits from the date of filing of the writ petitions. The Government should process the cases of the petitioners within a period of six months.

Order accordingly. No costs.

JUDGE

JUDGE