

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3335/2014

(RAMESH RAMAJI KANPELLIWAR & OTHERS **VERSUS** STATE OF MAH. & OTHERS)

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

Court's or Judge's orders

Shri P.P. Thakre, counsel for the petitioners.
Shri T.R. Kankale, A.G.P. for the R-1 to 5.
Shri A.M. Kadukar, counsel for the R-6.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : MAY 6, 2015.

Heard.

By this petition, the petitioners seek a declaration that the petitioners are entitled to the benefits under the Maharashtra Civil Services (Pension) Rules, 1982, Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and the existing General Provident Fund scheme would be applicable to the petitioners.

The petitioners were appointed in the respondent no.6-College before the cut-off date on different dates from 2001 to 2004. The respondent no.6-College was brought on 100% grant-in-aid by the State Government by the resolution dated 27.10.2005. Since the appointment of the petitioners was made before the cut-off date, i.e. 01.11.2005, and the respondent no.6-College was also brought on 100% grant-in-aid on 27.10.2005, i.e. before the cut-off date, the petitioners have sought the aforesaid declaration. The learned counsel for the petitioners has relied on an unreported judgment of this Court, dated 10.07.2014 in **Writ Petition No.6689 of 2013** (*Anil V. Wasekar & Others Versus State of Maharashtra & Others*) to seek the relief.

Shri Kankale, the learned Assistant Government Pleader appearing on behalf of the State Government does not dispute that the appointments of the petitioners were made before the cut-off date, i.e. 01.11.2005 and the respondent no.6-College was brought on 100% grant-in-aid vide resolution dated 27.10.2005.

If that be so, the petitioners would be entitled to the benefits under the Maharashtra Civil Services (Pension) Rules, 1982, Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and the existing General Provident Fund scheme. It would be necessary to refer to the judgment dated 10.07.2014 in **Writ Petition No.6689 of 2013** (*Anil V. Wasekar & Others Versus State of Maharashtra & Others*) which is based on similar set of facts.

Hence, for the reasons aforesaid, the writ petition is allowed. It is hereby declared that the petitioners would be entitled to the benefits under the Maharashtra Civil Services (Pension) Rules, 1982, Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and the existing General Provident Fund scheme. The respondents are directed to act in terms of the declaration.

Order accordingly. No costs.

JUDGE

JUDGE

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