

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

WRIT PETITION NO.5193 OF 2015

[Keshao s/o Gangaram Baraskar and others .vs. The State of Maharashtra and one]

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

Court's or Judge's orders

Mrs. T.D. Khade, counsel for the petitioners,
Shri D.B. Patel, AGP for the respondents.

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

DATE : OCTOBER 09, 2015.

Heard.

By this petition, the petitioners, who belong to teaching and non-teaching staff of Ayurved Colleges, have sought a declaration that they are entitled to the benefits of pension-cum-gratuity scheme, as per Government Resolution dated 21.7.1983.

It is stated that this court has, by the order dated 28.9.2015, in a bunch of writ petitions bearing Writ Petition No.820/2015 and others, held that the petitioners appointed on or before 31.10.2005 would be entitled to the benefit of gratuity-cum-pension scheme, as per 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. It is stated that the petitioners herein were the petitioners in Writ Petition No.5771/2011, that was decided by this court by the judgment and order dated 10.6.2013. It is stated that necessary direction be issued to the government to process the cases of the petitioners, within a period of six months, as has been done in the cases of the petitioners in Writ Petition No.820/2015 and others.

Shri Patel, the learned Assistant Government Pleader

appearing on behalf of the State Government, does not dispute the statement made on behalf of the petitioners. It is stated that some time would be required to implement the Government Resolution, dated 17.1.2015.

Hence, in the circumstances of the case, we direct the government to process the cases of the petitioners, within a period of six months. The petitioners, that are appointed on or before 1.11.2005, would be entitled to the benefit of the gratuity-cum-pension scheme, as per Government Resolution, dated 21.7.1983 and those appointed, after the said date, would be governed by the new defined contributory pension scheme. Since the petitioners were the petitioners in Writ Petition No.5771/2011, the petitioners would be entitled to the benefit from the date of filing of Writ Petition No.5771/2011.

The writ petition is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE

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