

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION STAMP NO. 9086 OF 2015
IN
WRIT PETITION NO. 7007 OF 2011**

The State of Maharashtra and Another .. Applicants

Versus

Bhalchandra S/o Dattatraya Pandit
and Others .. Respondents

Smt. M. A. Deshpande , A. G. P. for Applicants.
Shri M. P. Tripathi h/f Shri B. A. Shinde, Advocate for Respondent
Nos. 1 and 2.
Shri M. A. Thorbole , Advocate for Respondent Nos. 3 to 5.
Shri V. C. Patil h/f Shri K. J. Ghute Patil, Advocate for the
Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 29TH JANUARY, 2016.

PER COURT :-

1. Mrs. Deshpande, the learned A. G. P. submits that, this Court vide order dated 22nd August, 2014, disposed of the writ petition No. 7007 of 2011 on the basis of the judgment delivered in writ petition No. 8985 of 2011 dated 09.05.2014. The Court in writ petition No. 8985 of 2011 was considering the Government Resolution regarding payment of revised pensionary benefits. Whereas, the Government Resolution in question in the present petition was with regard to the benefits of the Career Advancement Scheme which was not made applicable to those who have retired prior to 2010. According to the said Government Resolution only notional benefit was to be given and not the actual benefit. According to the learned A. G. P. benefit of Career Advancement Scheme is a incentive to the in service employees.

2. The learned counsel for the non applicants / Original petitioners submits that, the discrimination is writ large. Even if, actual benefit was not given and notional benefit is given, the petitioners would be benefitted. The discrimination made is illegal.

3. While disposing of writ petition No. 7007 of 2011 we relied on the judgment in writ petition No. 8985 of 2011 with connected writ petitions dated 09.05.2014. The said writ petition was disposed of on the premise that the clauses assailed of the Government Resolution in the present matter and writ petition No. 8985 of 2011 is similar and the scheme is also similar. However, it appears that, the present writ petition was with regard to the grant of benefits of the Career Advancement Scheme, whereas in writ petition No. 8985 of 2011 the Government Resolution was concerning the benefit of the Revised Pension Scheme.

4. As the order dated 22.08.2014 in writ petition No. 7007 of 2011 was passed on erroneous premise, without considering the Government Resolution in question, we review and recall the order dated 22.08.2014.

5. The writ petition No. 7007 of 2011 be restored to its original position and be placed before the appropriate Bench.

6. The review application is accordingly allowed. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]