

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

**REVIEW APPLICATION NO. 121 OF 2015
IN
WRIT PETITION NO. 8987 OF 2014**

Shafat Hussain Shafaquat Hussain

Talib

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Shri S. V. Adwant, Advocate for the Applicant.

Ms. S. S. Raut, A.G.P. for Respondents/State.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 14TH OCTOBER, 2016.

PER COURT :

. Mr. Adwant, the learned counsel for the review applicant states that, the present review is being agitated only on the ground that in the order dated 08th May, 2015 in Writ Petition No. 8987 of 2014 this Court had not clarified the rate at which non practicing allowance is to be considered. According to the learned counsel, the benefit of 06th Pay Commission is made applicable to all the employees who have retired after 01.01.2006. As per the said scheme non practicing allowance is 35%, however, the respondents are not giving the said benefit to the petitioner. The learned counsel relies on the Government Resolution dated 30th October, 2009 and the corrigendum dated 15th December,

2009.

2. We have also heard the learned Assistant Government Pleader.

3. It is contended that, the review is filed for limited purpose, with regard to rate of non practicing allowance to be considered for pension.

4. We have vide our order under review specifically held that the petitioner is entitled for pension amount that is 50% of the last salary drawn and by adding non practicing allowance to his pay. The non practicing allowance that is to be added to the pay while computing the pension would be the non practicing allowance as is applicable to the petitioner as per rules and the government resolutions issued from time to time by the State. The petitioner is at liberty to point out to the authority, the amount of non practicing allowance that he is entitled to and is required to be added to the last salary drawn while computing the pension.

5. The review application as such is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]