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

WRIT PETITION NO. 1664 OF 2016

Naresh S/o Manohar Bhandarkar and others

-vs-

State of Maharashtra, thr.its Secretary, Deptt.of Technical and Higher Education and others

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. N.S.Autkar, counsel h/f Mr.H.D.Dangre, counsel for the petitioners.
Mr. N.R.Rode, AGP for the respondent Nos.1 and 2.
None for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 20.06.2016.

Heard.

By this writ petition, the petitioners seek a declaration that they are entitled to the benefits of the Maharashtra Civil Services (Pension) Rules, 1982 and the new Defined Contributory Pension Scheme would not be applicable to the petitioners.

It is the case of the petitioners that the petitioners were appointed before the cut-off date i.e. 01/11/2005 and the respondent No.4-School was brought on 100% grain-in-aid from the year 2005-06. It is stated that since the employees, that were appointed in a school that was brought on 100% grant-in-aid before 01/11/2005, are entitled to the benefits of the Maharashtra Civil Services (Pension) Rules, 1982 and not to the new Defined Contributory Pension Scheme, the petitioners would be entitled to the benefits, under the Rules of 1982.

Shri Rode, the learned Assistant Government Pleader appearing for the respondent Nos.1 and 2, states by referring to the affidavit-in-reply that though the petitioners were appointed before 01/11/2005, the concerned resolution states that the respondent No.4-School was brought on grant-in-aid from the year 2005-06, the grants were actually paid to the respondent No.4-School only with effect from

01/12/2005. It is stated that there are four quarters in a year and the respondent No.4-School was brought on 100% grant-in-aid only from the second quarter commencing from 01/12/2005.

We find that the issue involved in this case was also involved in three other writ petitions bearing *Writ Petition No.5093 of 2014 (Umesh Madhukarrao Choudhary and others v. The State of Maharashtra and others)*, *Writ Petition No.6689 of 2014 (Anil V. Wasekar and others v. State of Maharashtra and others)* and *Writ Petition No.6943 of 2014 (Tikaram Barsuji Dhakle and others v. The State of Maharashtra and others)* and this Court has allowed the writ petitions in similar set of facts and has declared that the petitioners therein would be entitled to the benefits of the Maharashtra Civil Services (Pension) Rules, 1982 and would not be governed by the new Defined Contributory Pension Scheme. On parity, it would be necessary to grant similar relief in favour of the petitioners herein.

Hence, for the reasons recorded in the judgments in Writ *Petition Nos. 5093, 6689 and 6943 of 2014*, we allow this writ petition. It is hereby declared that the petitioners would be governed by the Maharashtra Civil Services (Pension) Rules, 1982 and the new Defined Contributory Pension Scheme would not be applicable to the petitioners, as the petitioners were appointed before 01/11/2005 in the respondent No.4-School, that was brought on 100% grant-in-aid before the said date.

Order accordingly. No costs.

JUDGE **JUDGE**

KHUNTE