

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

WRIT PETITION NO.5362 OF 2016

[Shri Puroshottam Uddhavrao Moon and others .vs. The State of Maharashtra and 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.S. Kshirsagar, counsel for the petitioners,
Shri A.S. Fulzele, Additional Government Pleader for respondent nos.1 to 4.

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

DATED : DECEMBER 01, 2016.

By this writ petition, the petitioners seek a declaration that the petitioners are entitled to the benefit of the Maharashtra Civil Services (Pension) Rules, 1982 as the services of the petitioners were approved before 1.11.2005 and the school in which the petitioners are working was brought on 100% grant-in-aid from the year 2005-2006.

Shri Kshirsagar, the learned counsel for the petitioners, states that the issue involved in this writ petition was also involved in Writ Petition No.6689/2013 and this Court has, by the judgment dated 10.7.2014, allowed the writ petition and granted the declaration to the petitioners therein. The learned counsel seeks a similar order in this writ petition, on parity.

Shri Fulzele, the learned Additional Government Pleader appearing on behalf of the respondent nos.1 to 4 does not dispute that an identical issue like the one involved in this case was also involved in Writ Petition No.6689/2013 and the said writ petition was allowed by the judgment, dated 10.7.2014.

On a reading of this writ petition and the judgment, dated 10.7.2014 in Writ Petition No.6689/2013, it appears that almost identical facts were involved in the decided writ petition.

It further appears that by the same communication of the Education Officer, the school in Writ Petition No.6689/2013 and the school in the present writ petition were brought on 100% grant-in-aid from 2005-2006.

Hence, for the reasons recorded in the judgment, dated 10.7.2014 in Writ Petition No.6689/2013, we allow this writ petition. It is hereby declared that the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 would be applicable to the petitioners and the petitioners would not be governed by the new Defined Contribution Pension Scheme. Order accordingly. No costs.

JUDGE

JUDGE

Gulande, PA