

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

WRIT PETITION NO. 4218 OF 2016

1. Syed Moinoddin Khutuboddin,
Age:60 years, Occu.: Retired Senior
Assistant (Accounts), Zilla Parishad,
Beed C/o Adv. Sayed Sajed Ali,
At Kazinagar, Balepeer, Nagar Road,
Beed - 431122.
2. Kadri Syed Farooq Ahmed,
Age:69 years, Occu: Retired
Senior Accounts Clerk, Z.P. Beed
C/o M.K. Syed At Kazinagar,
Balepeer, Beed-431122.
3. Sakhahari Santram Sakhare,
Age:64 years, Occu: Retired
Office Superintendent, Z.P. Beed
At & Post Samarthnagar, Kaij,
Tq. Kaij, Dist. Beed,
4. Shankarrao Dadarao Tapse,
Age:65 years, Occu: Retired
Office Superintendent, Z.P. Beed
At Bhatumba Post Chandan Sawargaon
Tq. Kaij, Dist. Beed,
5. Shaikh Bashiroddin Haji Shaikh Tajiuddin,
Age:65 years, Occu: Retired Senior
Assistant, Zilla Parishad, Beed,
Behind Post Office, Ambajogai, Guruwar Peth,
Tq. Ambajogai, Dist. Beed.
6. Gangadhar Raghunath Ranjankar,
Age:66 years, Occu: Retired
Junior Clerk, Zilla Parishad, Beed,
Mandawa Road, Shrinagar Colony,
(East), Ambajogai, Tq. Ambajogai,
Dist. Beed

7. Sayed Afsar Ali Mahmood Ali,
Age:67 years, Occu: Retired,
Senior Assistant, Z.P. Beed,
Near Jama Masjid, Killa, Beed

...PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary,
Finance Department,
Mantralaya, Mumbai - 32
2. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32,
3. The Chief Executive Officer,
Zilla Parishad, Beed,
4. The Chief Accounts & Finance Officer,
Zilla Parishad, Beed

...RESPONDENTS

...
Mr. S.B. Deshmukh, Advocate for Petitioners;

Mr. A.R.Borulkar, AGP for respondent State;

Mr. A.R.Tapse, Adv., h/f Mr. P.D. Suryawanshi, Advocate for
Respondent No.3.

...
CORAM : R. M. BORDE & P.R. BORA, JJ.

Dated: March 23, 2017

...

ORAL JUDGMENT : (*Per R.M.Borde, J.*)

1. Rule. Rule made returnable and heard

forthwith with the consent of learned Counsel for the parties.

2. The facts giving rise to the instant petition are identical as in the case of Writ Petition No.6252/2013, decided by the Division Bench of this Court on 26.2.2015. The Division Bench, in the aforesaid matter, has placed reliance on the earlier judgment delivered in Writ Petition No.7007/2011, decided on 22.8.2014 wherein it has been observed that the cut off date that has been prescribed is discriminatory. This Court has ruled that the petitioners therein are entitled for the benefit of Government Resolution dated 1.4.2010 and the explanation dated 1.7.2011, does not hold good. The same decision needs to be adopted in the instant petition also. In this view of the matter, the respondent State is directed, after satisfying itself of the claim as regards the date of retirement of the petitioners, to consider the request of the petitioners for making payment of the benefits in terms of the Government Resolution dated 1.4.2010.

The writ petition is disposed of accordingly.

3. The respondents shall take steps as expeditiously as possible and satisfy the claim of the petitioners within a period of six months from today. Rule made absolute accordingly.

(P.R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

...

AGP/4218-16wwp