

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

Writ Petition No. 6417 of 2016

* Govind s/o Vitthal Talegave,
Age 59 years,
Occupation :Pensioner,
R/o Shivneri, Lal Mandi,
Begampura, Aurangabad. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai - 32.
- 2) The Director of Higher Education
M.S., Pune - 1.
- 3) The Joint Director of Higher
Education Aurangabad Region,
Aurangabad.
- 4) The Accountant General
(Accounts & Entitlement)-II
Maharashtra, Nagpur.
- 5) Dr. Babasaheb Ambedkar
Marathwada University,
Aurangabad
Through its Registrar. .. **Respondents.**

Shri. Abhishek C. Deshpande, Advocate, for
petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 to 4.

Shri. S.S. Thombare, Advocate for respondent No.5

With**Writ Petition No. 6419 of 2016**

* Sunderlal s/o Udaybhan Kanise,
Age 61 years,
Occupation :Pensioner,
R/o Near Tuljabhavani Mandir,
Pahadsingpura, Makbara Road,
Aurangabad. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai - 32.
- 2) The Director of Higher Education
M.S., Pune - 1.
- 3) The Joint Director of Higher
Education Aurangabad Region,
Aurangabad.
- 4) The Accountant General
(Accounts & Entitlement)-II
Maharashtra, Nagpur.
- 5) Dr. Babasaheb Ambedkar
Marathwada University,
Aurangabad
Through its Registrar. .. **Respondents.**

Shri. Abhishek C. Deshpande, Advocate, for
petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 to 4.

Shri. S.S. Thombare, Advocate for respondent No.5

With**Writ Petition No. 6435 of 2016**

* Gangadhar s/o Hanmantrao Yepurwar,
Age 60 years,
Occupation :Pensioner,
R/o Plot No.24, Jagdamba Niwas,
Mhasoba Galli, Surewadi,
Aurangabad. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai - 32.
- 2) The Director of Higher Education
M.S., Pune - 1.
- 3) The Joint Director of Higher
Education Aurangabad Region,
Aurangabad.
- 4) The Accountant General
(Accounts & Entitlement)-II
Maharashtra, Nagpur.
- 5) Dr. Babasaheb Ambedkar
Marathwada University,
Aurangabad
Through its Registrar. .. **Respondents.**

Shri. Abhishek C. Deshpande, Advocate, for
petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 to 4.

Shri. S.S. Thombare, Advocate for respondent No.5

With

Writ Petition No. 8388 of 2016

* Venkat s/o Ganpatrao Limgave,
Age 61 years,
Occupation :Pensioner,
R/o N-11, B-Sector,
Netaji Subhash Chandra Nagar,
HUDCO, T.V. Center,
Aurangabad. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education
Department, Mantralaya, Mumbai - 32.
- 2) The Director of Higher Education
M.S., Pune - 1.
- 3) The Joint Director of Higher
Education Aurangabad Region,
Aurangabad.
- 4) The Accountant General
(Accounts & Entitlement)-II
Maharashtra, Nagpur.
- 5) Dr. Babasaheb Ambedkar
Marathwada University,
Aurangabad
Through its Registrar. .. **Respondents.**

Shri. Abhishek C. Deshpande, Advocate, for
petitioner.

Shri. S.B. Joshi, Assistant Government Pleader,
for respondent Nos.1 to 4.

Shri. S.S. Thombare, Advocate for respondent No.5

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 2 March 2017

ORAL JUDGMENT:

1) Rule, rule made returnable forthwith.
Heard both the sides by consent for final disposal.

2) In all the petitions direction is sought against the University to send revised pension proposal as it is the grievance of the petitioners that though benefit of Government Resolution dated 7-4-2011 was given to them while in service, the benefit is not extended for pensionary benefits and the pension is not fixed accordingly. For giving one instance, they have produced record in respect of one Shamrao Pradhan showing that the benefit was considered for fixation of the pension and the pension was fixed accordingly. There is one correspondence made by the Government with the University dated 10-12-2015. It also shows that the Government has

informed that the employees who were in service as on 7-4-2011 or who retired thereafter were entitled to the benefit of the Government Resolution.

3) It appears that when the proposal was considered it was not certain as to whether the benefit of this Government Resolution could have been given and that can be found in the letter addressed to the Joint Director, Higher Education dated 2-7-2015 by the office of the Accountant General.

4) In view of these circumstances, the petitions are allowed. Direction is given only to the extent of consideration of the aforesaid Government Resolution for the benefit purpose. The University is directed to send the proposal for revised pension with aforesaid clarification. The University and the Joint Director, Higher Education are to complete this exercise within two months from today and the office of the

Accountant General within three months
thereafter. Rule is made absolute in above terms.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

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