

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8361 OF 2016

Chandrakant Tukaram Gurav and others .. **Petitioners**
Versus
The State of Maharashtra and others .. **Respondents**

Shri R. P. Bhumkar, Advocate for the Petitioners.

Mrs. R. P. Gour, A. G. P. for Respondent No. 1.

Shri Suresh N. Rodge, Advocate for Respondent Nos. 2 and 3.

CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE : 28th September, 2017

PER COURT :

1. Mr. Bhumkar, learned counsel submits that the petitioners have retired in between 1.1.2006 to 26.2.2009. These petitioners seek benefit of the Government Resolution dated 30th October, 2009, for revised pension. The petitioners had made an application but the respondent refused to accept the same.

2. Mr. Rodge, learned counsel for respondent Nos. 2 and 3 submits that the petitioners did not make any application with the respondent – Authority to consider their claim as per the Government Resolution dated 30th October, 2009.

3. We have also heard the learned A. G. P.

4. Under order dated 9th May, 2014, in Writ Petition No. 8985 of 2011 with connected writ petitions this court held that the cut off date 27th February, 2009, prescribed in the Government Resolution dated 30th October, 2009, for payment of revised pension and making it applicable only to those employees who retired from 27th February, 2009 and not to those employees who retired between 1st January, 2006 to 26th February, 2009, is unconstitutional.

5. In light of the above, as the petitioners claim to have retired in between 1st January, 2006 to 27th February, 2009 the petitioners also would be entitled for the same benefit as laid down in the Government Resolution dated 30th October, 2009.

6. The petitioners shall make an application with the respondents. The respondents – Authorities after verifying the service tenure of the petitioner and the date of retirement shall extend the benefit of the Government Resolution dated 30th October, 2009 accordingly, expeditiously and preferably within 6 months from the date of application.

7. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]