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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5785 OF 2015

Shivaji University Teachers Association and Ors. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. C.G. Gavnekar for the Petitioners.

Mr. V.N. Sagare, AGP for R. nos.1 to 3 State.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : MARCH 02, 2017.

P.C.

Parties through their counsel.

2. At the outset, it has been stated by the learned counsel for the petitioners that the question involved in this petition has already been considered and decided vide order dated 9.5.2014 by Aurangabad Bench of this Court in the case of Smt. Savitribai Narsayya Guddapa Versus State of Maharashtra and Others in WP No.8985 of 2011 and other connected writ petitions. He submits that in the said judgment, the Division Bench has held that the cut off date i.e. 27.2.2009 prescribed in the GR dated 30.10.2009 for payment of revised pension under Maharashtra Civil Services (Pension) Rules, 1982 making it applicable to those employees who retired from 27.02.2009

and not to those employees who retired in between 1st January, 2006 to 26th February, 2009, as unconstitutional. In view of the aforesaid, according to the learned counsel for the petitioner, the petition seeking the very same relief regarding declaration of the said resolution dated 20.10.2009 to the extent of fixing of the cut off date, be allowed. He further prayed that the respondents be directed to re-fix petitioner's pension in accordance with Hakim Committee report.

3. We have heard learned AGP in this regard. Learned AGP submits that the fixing of the cut off date in the said GR has since been held to be unconstitutional, the petition may be disposed of in terms of the order passed by the Division Bench in the case of Smt. Savitribai Narsayya Guddapa (supra).

4. In view of the aforesaid, we dispose of this petition by observing that the petitioner's pension be re-fixed keeping in view the judgment passed by the Division Bench of this Court in the case of Smt. Savitraibai Narsayya Guddapa (supra) and also keeping in view the Hakim Committee's report. Let this be done within four months from the date of receipt of copy of this order.

5. Writ Petition stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)