

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 63 OF 2018

IN

WRIT PETITION NO. 7991 OF 2016

Gajrabai Sonba Andhare .. **Applicant**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Anand V. Patil Indrale, Advocate for the Applicant.

Shri S. B. Yawalkar, Addl.G.P. for Respondent No. 1.

Shri M. N. Navandar, Advocate for Respondent Nos. 2 and 3.

WITH

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WRIT PETITION NO. 7992 OF 2016

Nagnath Govind Biradar .. **Applicant**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Anand V. Patil Indrale, Advocate for the Applicant.

Shri S. B. Yawalkar, Addl.G.P. for Respondent No. 1.

Shri B. A. Shinde, Advocate for Respondent Nos. 2 and 3.

Shri M. N. Navandar, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATE : 8th June, 2018

PER COURT :

1. Mr. Patil, learned counsel for the applicants submits that in case of similarly situated persons the benefit of their prior services has been given as per Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982. However the applicants have been discriminated. The learned counsel submits that, the applicants have been working much prior to the year 2000 and they were regularised under the orders dated 8.12.2015 and 21.12.2015 respectively with retrospective effect. Clause No. 12 of the orders would not apply to the present applicants, as the applicants were not appointed after 31.10.2005 but was working much prior to the said date.

2. The scope of review would be in a narrow compass. The same would not be treated as an appeal in disguise. While disposing of the writ petitions, we had considered that the petitioners came to be retrenched in the year 2000 and thereafter were appointed on the vacant post under orders dated 8.12.2015 and 21.12.2015 respectively. The Government Resolution dated 24.7.2015, pursuant to which policy decision was taken to

regularise such employees states that those who are regularised as per Government Resolution they would be governed by the Defined Contributory Pension Scheme (hereinafter referred to 'DCPS') scheme implemented pursuant to Government Resolution dated 31.10.2005. Even the Government Resolution dated 16th November, 2015, gives the list of employees who are regularised and also lays down the condition that these employees would be governed by DCPS and the Government Resolution dated 31.10.2005. The said conditions were never assailed in the petitions.

3. Considering the above, no error apparent on face of the record. Review Applications, as such, are dismissed. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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