

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1233 OF 2018

Vitthal Laxmanrao Kshirsagar,
Age-68 years, Occu:Pensioner,
R/o-"Renuka Niwas", Anand Nagar,
Dhanora Road, Beed

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-400032,
- 2) Accountant General(A& E)-II,
Maharashtra, Nagpur,
- 3) The Education Officer(Secondary),
Zilla Parishad, Beed,
- 4) The Treasury Officer,
Beed.

...RESPONDENTS

...

Mr.Santosh S. Dambe Advocate for Petitioner.
Mrs.R.P. Gaur, A.G.P. for Respondent Nos.1 to 4

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**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 30TH NOVEMBER, 2018

ORDER :

1. Learned counsel appearing for the Petitioner states that the cut off date i.e. 27th February, 2009 prescribed in the Government Resolution dated 30th October, 2009 for payment of revised pension under the Maharashtra Civil Services Pension Rules, 1982, making it applicable to those employees who retired between 1st January, 2006 to 26th February, 2009, is declared unconstitutional. According to the learned counsel for the Petitioner, in the present Writ Petition, the Petitioner has retired on 31st December, 2008 which is in between 1st January, 2006 to 26th February, 2009 and the Judgment delivered by this Court in Writ Petition No.8985 of 2011 with other connected matters, dated 09th May, 2014 is applicable.

2. Learned A.G.P., after going through the

said Judgment, does not dispute that the said Judgment is applicable.

3. For the reason recorded in the Judgment delivered by the Division Bench of this Court dated 9th May, 2014 in Writ Petition No.8985 of 2011 with connected matters, the present Writ Petition also stands allowed. The State shall pay to the Petitioner the difference of the pension and the revised pension payable as directed by this Court in Writ Petition No.8985 of 2011 with other connected matters. However, before paying such difference of the pension and the revised pension concerned Respondent/Respondents would be at liberty to verify the factual details. Rule is accordingly made absolute. No costs.

[K.K. SONAWANE, J.]

asb/NOV18

[S.S. SHINDE, J.]