

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

WRIT PETITION NO.5399 OF 2018

SANJIV MALHARRAO PANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. V.G.Salgare, Advocate for Petitioner
Mr. S.G.Karlekar, AGP for Respondents-State
Mr. N.B.Khandare, Advocate for Respondent No.3
...

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.**

DATED : 27.08.2018

PER COURT :-

1. The petitioner is praying for issuance of directions to the respondents to grant him pension and pensionary benefits as per the 6th Pay Commission and to fix the pensionable pay of the petitioner in view of the recommendations of the 6th Pay Commission and to pay consequential arrears of pension and pensionary benefits from 10.02.2006 till today with interest.

2. The issue raised in the instant petition is no more *res-integra* and is covered by the decision rendered by this Court in the matter of **Savitribai Narssayya Guddappa Vs.**

State of Maharashtra and others reported in 2004 (6)

Mh.L.J. 438. The Division Bench of this Court has directed the respondents to pay the petitioners before the Court and other similarly situated employees, the difference of pension and revised pension payable. It has been further clarified that the controversy that has been considered is only confined to the cut-off date applicable in Government Resolution dated 30.10.2009 viz-a-viz the employees who retired between 1st January, 2006 to 26th February, 2009 for payment of revised pension. The Court has further declared that cut-off date as prescribed is unconstitutional. It has been further stated in the conclusive part of the order that the Court has not tested the rest of the provisions of the said Government Resolution, since those did not fall for consideration.

3. The decision rendered by this Court has been confirmed by the Supreme Court while disposing of Special Leave to Appeal (Civil) No.13140-13151 of 2015 decided on 11th October, 2017.

4. Considering these aspects we direct the respondents to grant pensionary benefits to the petitioner in accordance with the Judgment delivered by this Court in the matter of

Savitribai Narsayya Guddappa (referred supra).

5. Writ petition stands disposed of accordingly.

(MANGESH S. PATIL, J.)

(R.M.BORDE, J.)

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vmk/-