

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 4436 OF 2018

KISHANRAO SHANKARRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1,2 & 3: Mr. S.Y. Mahajan

WITH

920 WRIT PETITION NO. 4437 OF 2018

TRIMBAK KISHAN DAUD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1 & 2 : Mr. S.S. Dande

WITH

921 WRIT PETITION NO. 4438 OF 2018

TRIMBAK BAPUJI SHIRSAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1 & 2 : Mr. P.N. Kutti

WITH

922 WRIT PETITION NO. 4439 OF 2018

TRYAMBAK YADAVRAO DAUD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1 & 2 : Mr. C.S. Kulkarni

WITH

923 WRIT PETITION NO. 4440 OF 2018

UTTAMRAO KESHAVRAO DAUD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1 &2 : Mr. P.K. Lakhotia

WITH

924 WRIT PETITION NO. 4441 OF 2018

DASHRATH RAVAN GUNTHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1 &2 : Ms. P.V. Diggikar

WITH

945 WRIT PETITION NO. 4484 OF 2018

TRIMBAK ANANDA DAFAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Advocate for Petitioner : Mr. Vitthal G. Salgare
AGP for Respondents 1 &2 : Ms. P.V. Diggikar

**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.**

DATE : 3rd May, 2018.

PER COURT:-

1] The petitioners are praying for issuance of directions to the respondents to grant them pension and pensionary benefits as per the 6th Pay Commission and to fix the pensionable pay of the petitioners in view of the recommendations of the 6th Pay Commission and to pay consequential arrears of pension and pensionary benefits from 20.10.2006 till today with interest.

2] The issue raised in the instant petitions is no more res-integra and is covered by the decision rendered by this Court in the matter of ***Savitribai Narssayya Guddapa vs. State of Maharashtra and others reported in 2014 (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 petitioners in accordance with the judgment delivered by this court in the matter of Savitribai Narsayya Guddapa (referred supra).

5] Writ petitions stand disposed of accordingly.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-