

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

WRIT PETITION NO. 7225 OF 2018

Gangadhar Damodhar Garje & Ors ..Petitioners

Versus

The State of Maharashtra & Anr ..Respondents

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Mr. Prashant R. Nangare, Advocate for Petitioners.
Mr. S.S. Dande, AGP for Respondent/State.

...

**CORAM : R.M.BORDE AND
A.M.DHAVALA, JJ.**

DATE: 5th July, 2018

ORAL JUDGMENT:

(per R.M. Borde, J.)

. Heard.

2. Rule. With the consent of the parties, petitions are taken up for final decision at admission stage.

3. The issue raised in the instant petitions is no more res-integra and is covered by the decision rendered by the Division Bench of this Court at Nagpur in Writ petition No.1868 of 2005 & other companion matters decided on 14th June, 2017. The facts giving rise to the instant petitions are

also identical in all respects to the facts arising in the decided matters.

4. The petitioners are challenging the reduction in the amount of monthly pension of Rs.3,000/- granted to them under the scheme of Swatantra Sainik Samman Pension, 1980 which has been brought down to Rs.500/- p.m. The policy of the State Government adopted on 16.11.2014 directing reduction in the amount of pension was a matter of challenge in the aforesaid petition. The division bench of this Court at Nagpur directed quashment of the Circular/Order dated 16.11.2004 bearing No. Misc. 2004/CR-161/04/FFC1 issued by the General Administration Department of the State of Maharashtra and restrained the respondents from reducing or recovering any amount of pension payable or paid to the petitioner by the State Government. The Division Bench further directed respondents in the petition to pay to the petitioners all arrears of pension at the rate of Rs.3,000/- per month with effect from 16.11.2004

after deducing the amount, if any, already paid. The directions were to be complied within a period of four months from the date of the order. In view of the directions, instant petitions can also be disposed of by directing the respondents to pay pension amount @ Rs.3,000/- p.m. from 31.03.2004 to the petitioner nos. 1 to 7, 9 and 12 and petitioner nos. 8, 10, 11, 13, and 15 from 13.5.2005 excluding amount already paid and further increments payable under the policy. The petitioners shall be refunded the amount which has already been deducted, if any. The directions recorded above shall be complied within a period of four months from the date of this order.

5. Rule is accordingly made absolute.

6. There shall be no order as to costs.

(A.M.DHAVALA)
JUDGE

(R.M.BORDE)
JUDGE