

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

918 WRIT PETITION NO. 9142 OF 2018

LAXMAN DEVRAO MADHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Sonawane Mahesh R.
AGP for Respondent Nos. 1 to 3 : Mr.S.B.Yawalkar
Advocate for respondent No. 4 : Mr. S.S.Tope.

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CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : AUGUST 8, 2018

O R D E R :

Rule. Rule made returnable forthwith. Learned A.G.P. waives service of notice for respondent nos. 1 to 3 and Mr. Tope, learned counsel waives service of notice for respondent no.4 on Rule. With the consent of learned counsel for the respective parties, petition is taken up for final hearing.

2. Mr. Sonawane, learned counsel submits that, the petitioner in this writ petition has retired

between 1st January, 2006 to 26th February, 2009 and as per the judgment of this Court dated 09th May, 2014 in Writ Petition No. 8985 of 2011 with other connected writ petitions, the cut off date has been held to be erroneous and the benefit of the Government Resolution dated 30th October, 2009 has also been granted to those persons who have retired between 01.01.2006 to 26.02.2009.

3. The learned counsel further submits that, even the review filed by the State of the said judgment is rejected.

4. We have heard the learned Assistant Government Pleader also.

5. The issue involved in present writ petition is no longer res integra in view of the judgment dated 09th May, 2014 in Writ Petition No. 8985 of 2011 with other connected writ petitions. Those

persons who have retired in between 01.01.2006 to 26.02.2009 will also be entitled for the benefit of Government Resolution dated 30th October, 2009 with regard to the revised pension.

6. In the light of the above, we pass the following order.

i. The respondents shall consider the case of petitioner for the payment of revised pension in terms of Government Resolution dated 30th October, 2009 after satisfying itself about the eligibility of the petitioner expeditiously and preferably within a period of four (4) months from today. The petitioner may also comply with the formalities required for processing revised pension papers.

ii. Rule accordingly is made absolute
in above terms.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

dbm