

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

WRIT PETITION NO. 9229 OF 2015

Sudham Baliram Nerpagar ... Petitioner

VERSUS

The State of Maharashtra & Ors ... Respondents

WITH

WRIT PETITION NO. 9230 OF 2015

Appasaheb S/o Sahebrao Deshmukh ... Petitioner

VERSUS

The State of Maharashtra & Ors ... Respondents

WITH

WRIT PETITION NO. 9231 OF 2015

Urmila W/o Prabhakar Nemade ... Petitioner

VERSUS

The State of Maharashtra & Ors ... Respondents

WITH

WRIT PETITION NO. 9232 OF 2015

Magan S/o Deochand Mahale ... Petitioner

VERSUS

The State of Maharashtra & Ors ... Respondents

WITH

WRIT PETITION NO. 9235 OF 2015

Subhash S/o Sahadu Patil ... Petitioner

VERSUS

The State of Maharashtra & Ors

... Respondents

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In all petitions:

Mr Vinod S. Khairnar (Patil), Advocate for the petitioner

Mrs M. A. Deshpande, AGP for respondent/State

Mr G. D. Jain, Advocate h/f Mr M. S. Sonawane, Advocate for
respondent No. 4Ms Kalyani Patil, Advocate h/f Mr Vijay Sharma, Advocate for
respondent No. 4 & 5 in WP No. 9231/2015

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.****DATE : 21ST MARCH, 2018.****ORDER:**

1. The petitioners assail the Government Resolution dt.30.10.2009 issued by the Finance Department of State of Maharashtra thereby denying the benefits of revised pension provisions for those who have retired between 01.01.2006 and 26.02.2009.

2. It is the contention of the learned counsel for the petitioners that, all these petitioners have retired between 01.01.2006 to 26.02.2009.

3. The issue is no longer *res integra* in view of the judgment of this Court in Writ Petition No. 8985 of 2011 with connected writ petitions delivered on 09.05.2014. It has been held that, even those persons who have retired in between 01.01.2006 to 26.02.2009 would be entitled for the benefit of revised pension.

3. In light of the above and for the reasons recorded in the aforesaid judgment, the respondents shall pay to the petitioners the revised pension, the difference of the pension as per the GR dt.30.10.2009 expeditiously, preferably within 6 months as the cut off date prescribed in the said Government Resolution has been held to be unconstitutional.

4. The writ petitions stand disposed of accordingly. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde