

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.13391 OF 2018

Hafij s/o Sardar Pathan,
Age-69 years, Occu:Pensioner,
R/o-At Post-Khwaja Nagar,
In front of Gazi High School,
Osmanabad, Tq. & Dist-Osmanabad

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 2) The Accountant General-II(A& E),
Pension Wing, Old Building,
In front of Ravi Bhawan, Nagpur,
- 3) The Accountant General,
Through its Accounts Officer,
Pay Verification Unit
Department, Aurangabad,
- 4) The Treasury Officer (PWD),
Department Osmanabad,
Tq. & Dist-Osmanabad,
- 5) The Executive Engineer,
Public Works Division,
Osmanabad, Tq. & Dist-Osmanabad.

...RESPONDENTS

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Mr.Ramraje D. Kawade Advocate for Petitioner.
Mr.A.B. Chate, A.G.P. for Respondents.

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WITH

WRIT PETITION NO.13415 OF 2018

Ismail Baig s/o Karim Baig Mogal,
Age-70 years, Occu:Pensioner,
R/o-Nagne Plot, Paranda Road, Barshi,
Tq-Barshi, Tq. & Dist-Solapur

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 2) The Accountant General-II(A& E),
Pension Wing, Old Building,
In front of Ravi Bhawan, Nagpur,
- 3) The Accountant General,
Through its Accounts Officer,
Pay Verification Unit
Department, Aurangabad,
- 4) The Treasury Officer (PWD),
Department Osmanabad,
Tq. & Dist-Osmanabad,
- 5) The Executive Engineer,
Public Works Division,
Osmanabad, Tq. & Dist-Osmanabad.

...RESPONDENTS

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Mr.Ramraje D. Kawade Advocate for Petitioner.
Mr.K.N. Lokhande, A.G.P. for Respondents.

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WITH

WRIT PETITION NO.13416 OF 2018

Gulam Mohiddin s/o Gulam Dastagir Syed,
Age-69 years, Occu:Pensioner,
R/o-Shams Chouk, West Side,
In front of Raja Wihir, Osmanabad,
Tq. & Dist-Osmanabad

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 2) The Accountant General-II(A& E),
Pension Wing, Old Building,
In front of Ravi Bhawan, Nagpur,
- 3) The Accountant General,
Through its Accounts Officer,
Pay Verification Unit
Department, Aurangabad,
- 4) The Treasury Officer (PWD),
Department Osmanabad,
Tq. & Dist-Osmanabad,
- 5) The Executive Engineer,
Public Works Division,
Osmanabad, Tq. & Dist-Osmanabad.

...RESPONDENTS

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Mr.Ramraje D. Kawade Advocate for Petitioner.
Mr.S.B. Narwade, A.G.P. for Respondents.

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WITH

WRIT PETITION NO.13419 OF 2018

Hashmoddin s/o Badiyoddin Shaikh,
Age-69 years, Occu:Pensioner,
R/o-At Post-Wagholi (Warud Wagholi),
Tq. & Dist-Osmanabad

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 2) The Accountant General-II(A& E),
Pension Wing, Old Building,
In front of Ravi Bhawan, Nagpur,
- 3) The Accountant General,
Through its Accounts Officer,
Pay Verification Unit
Department, Aurangabad,
- 4) The Treasury Officer (PWD),
Department Osmanabad,
Tq. & Dist-Osmanabad,
- 5) The Executive Engineer,
Public Works Division,
Osmanabad, Tq. & Dist-Osmanabad.

...RESPONDENTS

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Mr.Ramraje D. Kawade Advocate for Petitioner.
Mr.P.S. Patil, A.G.P. for Respondents.

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WITH

WRIT PETITION NO.13426 OF 2018

Shrirang s/o Shivram Shrikhande,
Age-70 years, Occu:Pensioner,
R/o-Balaji Niwas, House No.26/261,
Samarth Nagar, Osmanabad,
Tq. & Dist-Osmanabad

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 2) The Accountant General-II(A& E),
Pension Wing, Old Building,
In front of Ravi Bhawan, Nagpur,
- 3) The Accountant General,
Through its Accounts Officer,
Pay Verification Unit
Department, Aurangabad,
- 4) The Treasury Officer (PWD),
Department Osmanabad,
Tq. & Dist-Osmanabad,
- 5) The Executive Engineer,
Public Works Division,
Osmanabad, Tq. & Dist-Osmanabad.

...RESPONDENTS

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Mr.Ramraje D. Kawade Advocate for Petitioner.
Mr.S.B. Narwade, A.G.P. for Respondents.

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WITH

WRIT PETITION NO.13449 OF 2018

Jainuddhin s/o Lalasaheb Shaikh,
Age-71 years, Occu:Pensioner,
R/o-At Post-Near Arju General Stores,
Bebawadi, Osmanabad, Tq. & Dist-Osmanabad

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 2) The Accountant General-II(A& E),
Pension Wing, Old Building,
In front of Ravi Bhawan, Nagpur,
- 3) The Accountant General,
Through its Accounts Officer,
Pay Verification Unit
Department, Aurangabad,
- 4) The Treasury Officer (PWD),
Department Osmanabad,
Tq. & Dist-Osmanabad,
- 5) The Executive Engineer,
Public Works Division,
Osmanabad, Tq. & Dist-Osmanabad.

...RESPONDENTS

...

Mr.Ramraje D. Kawade Advocate for Petitioner.

Mr.K.N. Lokhande, A.G.P. for Respondents.

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**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 4TH DECEMBER, 2018

ORDER :

1. Writ Petition No.13449 of 2018 is not on Board. On mentioning, taken on Board.

2. Learned counsel appearing for the Petitioners states that the cut off date i.e. 27th February, 2009, prescribed in the Government Resolution dated 30th October, 2009 for payment of revised pension under the Maharashtra Civil Services Pension Rules, 1982, making it applicable to those employees who retired between 1st January, 2006 to 26th February, 2009, is declared unconstitutional. According to the learned counsel

for the Petitioners, in the present Writ Petitions, the Petitioners have retired in between 1st January, 2006 to 26th February, 2009, and the Judgment delivered by this Court in Writ Petition No.8985 of 2011 (Smt. Savitabai Narsayya Gudapa vs. State of Maharashtra and others) with other connected matters, dated 09th May, 2014 is applicable.

3. Learned A.G.P., after going through the said Judgment, does not dispute that the ratio laid down in said Judgment is applicable in the facts of present case.

4. For the reasons recorded in the Judgment delivered by the Division Bench of this Court dated 9th May, 2014, in Writ Petition No.8985 of 2011 (Smt. Savitabai Narsayya Gudapa vs. State of Maharashtra and others) with connected matters, the present Writ Petitions also stand allowed. The

State shall pay to the Petitioners the difference of the pension and the revised pension payable as directed by this Court in Writ Petition No.8985 of 2011 (Smt. Savitabai Narsayya Gudapa vs. State of Maharashtra and others) with other connected matters. However, before paying such difference of the pension and the revised pension concerned Respondent/Respondents would be at liberty to verify the factual details. Rule is accordingly made absolute. No costs.

[K.K. SONAWANE, J.]

asb/DEC18

[S.S. SHINDE, J.]