

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 12022 Of 2018

Uttam s/o Madhavrao Gaikwad

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no. 1 to 3.

WITH
WRIT PETITION NO. 12039 OF 2018

Baliram s/o Kerba Jadhav

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no. 1 and 2.

WITH
WRIT PETITION NO. 12050 OF 2018

Santosh s/o Bhoju Patil

Petitioner

Versus

State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no. 1 to 3.

{2}

wp12022.18.odt

WITH
WRIT PETITION NO. 12060 OF 2018

Smt. Pushpa Kachru Nalawade

Petitioner

Versus

State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no. 1 to 3.

WITH
WRIT PETITION NO. 12062 OF 2018

Bhanudas s/o Eknath Nerkar

Petitioner

Versus

State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no. 1 to 3.

WITH
WRIT PETITION NO. 12073 OF 2018

Achutrao s/o Bhimrao Jadhav

Petitioner

Versus

State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no. 1 to 3.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.
DATE : 26th October, 2018**

PER COURT:

1. 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 the date of retirement till today with interest.

2. the issue raised in the instant petition 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 Savitri Narsayya Guddapa (supra).

5. Writ petitions stand disposed of accordingly.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

dyb