

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

WRIT PETITION NO. 2947 OF 2014

Ramchandra s/o Laxmanrao Patodkar,
Age : 79 years, occup : Pensioner,
R/o 4/8, Vidya Nagar, Sailu,
Tq. Sailu, Dist. Parbhani .. Petitioner

versus

1. The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai - 32
2. The Director of Higher Education,
Maharashtra State, Pune
3. The Joint Director,
Higher Education, Nanded Division,
Nanded
4. The Accountant General (A & E)- II,
Nagpur, Dist. Nagpur
5. The Registrar,
Swami Ramanand Teerth University,
Nanded.
6. The Principal,
Nutan Mahavidyalaya, Sailu,
District Parbhani .. Respondents

Mr Yuwraj R. Barhate, Advocate for petitioner
Mr Y. G. Gujarathi, Assistant Government Pleader for
respondents no. 1 to 4

CORAM : SUNIL P. DESHMUKH AND
S. M. GAVHANE, JJ

DATE : 27th November, 2018

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for petitioner and learned Assistant Government Pleader for respondent finally by consent.

2. Petitioner prays for following relief :

" B. It may kindly be directed to the respondents, more particularly, the respondent No. 4 Accountant General (A & E) - II, Maharashtra, Nagpur, to consider the case of the petitioner and grant him revised pension of Rs. 7,470/- with effect from 01/01/1996 taking into account consideration the minimum pay as Rs.14,940/- as on 01/01/1996 in the pay scale of Rs.12000-420-18300 and pay arrears to that effect. "

3. Learned counsel for the petitioner points out a decision in writ petition bearing no. 2948 of 2014 (*Rangnath Gath vs State of Maharashtra*) delivered on 23-09-2015 in respect of a retired employee who was factually situated similarly as present petitioner, wherein on the basis of a judgments in the cases of *Chandrakant Dangre vs. State of Maharashtra* and *Shrinivas Patwardhan vs. State of Maharashtra* in writ petitions no. 2630 of 2010 and

2957 of 2010 respectively, division bench of this court had considered similar situation. The decision, it appears, squarely covers present situation.

4. Learned Assistant Government Pleader though opposes, has not been able to distinguish the position on facts with any material or for that matter for any reasons or principles.

5. In view of the same and having regard to decisions in the cases of *Chandrakant Dangre and Shrinivas Patwardhan (supra)* as well as decision in writ petition no. 2948 of 2014 (*Rangnath Gath vs The State of Maharashtra*), we consider it expedient to follow the suit in said decisions.

6. Writ petition is, thus, allowed, directing respondents to undertake exercise for revision in wages of petitioner in accordance with remarks appearing in appendix - I to government resolution dated 11-12-1999 (Exhibit A to writ petition) and if the petitioner satisfies the terms and conditions therein, to fix his pay at Rs. 14,940/- as on 01/01/1996 in the pay scale of Rs.12000-420-18300 and thereafter pursuant to the same his pension be calculated and computed and paid to him accordingly. The exercise be completed within a period of four months from today and

revised pension with arrears, if any, be released within a period of four months.

7. Rule is made absolute in aforesaid terms.
8. There shall be no order as to costs.
9. Writ petition is accordingly disposed of.

S. M. GAVHANE
JUDGE

SUNIL P. DESHMUKH
JUDGE

pnd/-