

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.14200 OF 2018

Sunanda w/o Renukadas Kurtudikar,
Age-69 years, Occu:Pensioner,
R/o-Plot No.92-A, "Durvannkur",
Jai Vishawbharati Colony,
Near Jai Bhavani School,
Garkheda Parisar, Aurangabad

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32,
- 2) The State of Maharashtra,
Through Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 3) The Chief Executive Officer,
Zilla Parishad, Aurangabad.

...RESPONDENTS

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Mr.Chandrakant R. Thorat Advocate for
Petitioner.

Mr.S.M. Ganachari, AGP for Respondent Nos.12 & 2

...

WITH

WRIT PETITION NO.14201 OF 2018

Rambhau s/o Jaiwantrao Borude,
Age-68 years, Occu:Pensioner,
R/o-N-7, F-59,/1, Ayodhya Nagar,
Near Shivaji Statue, Near Baliram
Patil High School, Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32,
- 2) The State of Maharashtra,
Through Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32,
- 3) The Chief Executive Officer,
Zilla Parishad, Aurangabad.

...RESPONDENTS

...

Mr.C.R. Thorat Advocate for Petitioner.

Mr.S.N. Morampalle, AGP for Respondent Nos.1 & 2

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**CORAM: S.S. SHINDE AND
A.M. DHAVAL, JJ.**

DATE : 21ST DECEMBER, 2018

ORDER :

1. 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 reported Judgment of the Division Bench of this Court (CORAM: S.S. SHINDE AND V.K. JADHAV, JJ.) in the case of Savitribai Narsayya Guddapa vs. State of Maharashtra and others¹, is applicable in the facts of the present case.

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

¹ 2014(6) Mh.L.J. 438

4. For the reasons recorded in the reported Judgment in the case of Savitribai Narsayya Guddapa vs. State of Maharashtra and others, cited supra, 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 the case of Savitribai Narsayya Guddapa vs. State of Maharashtra and others, cited supra. However, before paying such difference of the pension and the revised pension, concerned Respondent/ Respondents would be at liberty to verify the factual details in respect of service record of the Petitioners.

5. Rule is made absolute in above terms. Writ Petitions stand disposed of, accordingly.

[A.M. DHAVALA, J.]

[S.S. SHINDE, J.]