

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6239 OF 2016**

Shri Ramlal Dashrath Salunkhe. ... Petitioner.

V/s.

The State of Maharashtra & ors. ... Respondents.

Mr. S.A. Rajeshirke, advocate for petitioner.

Mr. V.M. Mali, AGP for State.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : MARCH 5, 2018.

P. C. :

1 Heard Mr. Rajeshirke, learned Counsel for the Petitioner and Mr. Mali, learned AGP for the State. None appears for respondent Nos. 4 and 5 though served.

2 The petitioner by this petition is challenging the action of the respondent No. 1 denying revised pension as per Government Resolution dated 30/10/2009. The Petitioner was Assistant Teacher and retired on 31/8/2007. The benefit of revised pension to the petitioner is denied on the ground that the petitioner has retired before the cut off date i.e. 27/2/2009 as per the G.R. dated 30/10/2009.

3 The issue similar to the issue involved in this petition fell for consideration before the Division Bench of this Court at Aurangabad Bench in **Writ Petition No. 8985 of 2011 Smt. Savitribai Narsayya Gudappa v/s. State of Maharashtra** and connected petitions. The Division Bench considered that cut-off date of 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 from 27th February, 2009 and not to those employees, who retired in between 1st January, 2006 to 26th February, 2009, as unconstitutional.

4 This decision of the Division Bench is upheld by the Hon'ble Apex Court in Petition(s) for Special Leave to Appeal (C) Nos. 13140-131151/2015.

5 In the light of the above, this Petition must succeed. The same is allowed in terms of prayer clause (a). We direct the respondents to pay to the Petitioner the difference of pension and revised pension payable within the period of 3 months from the date of receipt of this order.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]