

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

WRIT PETITION NO. 8283 OF 2018

Mithulal Shankarlal Sharma and Ors.Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. R.R. Karpe, Advocate for Petitioners
Mr. S.K. Tambe, Assistant Government Pleader for
Respondent Nos. 1 and 2

**CORAM : S.V. GANGAPURWALA AND
A.M. DHAVALA, JJ.**

DATE: 15th JANUARY, 2019

PER COURT

1. The petitioners challenge the circular dated 16.11.2004.

2. The learned Assistant Government Pleader accepts that the said circular has been quashed and set aside by the Judgment of this Court at Nagpur in case of ***Ganpatrao Chhotuji Gabhane Vs. State of Maharashtra and Anr. reported in 2017 (5) Mh.L.J. Page 738*** and that this Court has also considered the same in Writ Petition No. 4014/2018 under order dated 23rd April, 2018.

3. In light of that, the petitioners would be entitled for the pension, which was earlier granted to them, prior to the issuance of the circular dated 16.11.2004. The same shall be paid to the petitioners. If the amount is already deducted, the same shall be refunded to the petitioners.

4. The Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

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