

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

WRIT PETITION NO. 2316 OF 2018

Anantrao Sawari Jadhav

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Dnyaneshwar A. Bide, Advocate for the Petitioner.

Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 and 2.

Shri Parag P. Shahane, Advocate, Advocate for the Respondent
No. 3.

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

DATE : 07TH FEBRUARY, 2019.

FINAL ORDER :

. Heard Mr. Bhide, the learned advocate for the petitioner. The learned advocate submits that, the petitioner retired on or about 30th June, 2005. The retirement order is issued in favour of the petitioner including fixation of pay scale and pension as per the Government Resolution dated 05.05.2009. The petitioner is entitled for pension amount of Rs. 24,250/-, however, by official order dated 13.07.2010, the authority has only granted amount of Rs. 16,166. The learned counsel submits that, in clause 3 of the G. R. dated 30.06.2005 manner of calculation of pension has been provided. The basic pension includes Dearness Pay and

Dearness Allowance, however, while calculating pension the Dearness Pay has been excluded. Same is not in consonance with G. R. dated 05.05.2009.

2. Mr. Shahane, the learned counsel submits that, as per the corrigendum dated 07.07.2009 pension has been properly calculated.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It is not disputed that the Government Resolution dated 05th May 2005 and the corrigendum dated 07.07.2009 is applicable to the case of the petitioner. The G. R. dated 05.05.2009 itself prescribes the manner of calculating the pension. The salary of the petitioner was Rs. 24,930/- and the amount of pension the petitioner would be entitled is very much made clear in the said G. R. and the petitioner would be entitled for pension amount of Rs. 16,166/-. Same is accordingly paid to the petitioner. We do not find any error. As such, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]