IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 9917 OF 2015

Chindha s/o Shravan Hire & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. S. I. Nandode for the Petitioners.
Mr. Nisha Mehra, AGP for Respondent Nos.1 to 3.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.
DATE : 11th JUNE, 2019.

P. C. :

1. In spite of repeated opportunities, counter-affidavit has not been filed. In a decision in Writ Petition No.8985 of 2011 and connected Writ Petitions, the Division Bench of this Court at Aurangabad Bench held on 09.05.2014 that the cut off date 27th February, 2009 prescribed by Government Resolution dated 30th October, 2009 for payment of revised pension making it applicable to those who retired on 27th February, 2009 was unconstitutional. Mandamus issued to extend the benefit of the revised pension under the Maharashtra Civil Services (Pension) Rules, 1982 to the employees who retired between 1st January, 2006 and 26th February, 2009.

2. Prayer made in the Writ Petition by the Writ Petitioner has two

elements. First, pertaining to Resolution dated 22.06.2009 fixing the qualifying services of 20 years. The second concerns the cut off date as per Government Resolution dated 30th October, 2009. The second issue has been covered by the aforenoted decision and in support of first issue, we find that during the pendency of the Writ Petition, the Deputy Secretary, Government of Maharashtra of the Education Department has issued instructions on 05.04.2018 concerning the instant Writ Petition directing thus:

> "(I) The Deputy Director of Education, Nashik Division should check the details in respect of the service of the Petitioners during the period from the date 01.01.2006 upto the date 26.02.2009, calculate the accurate amount due and payable to the Petitioners and accordingly send the prescribed proposal to that effect to the Accountant General, immediately.
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> (II) No interest for delay on the benefits due and payable to the Petitioners will be permissible."

The letter records that the directions have been issued in consultation with the Finance Department.

3. Thus, the Writ Petition is disposed of by directing the Respondents to comply with the letter dated 05.04.2018. No costs.

[N. M. JAMDAR, J.] [CHIEF JUSTICE]