

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1235 OF 2020

NARAYAN S/O HARIDAS VANJARI AND ANOTHER

VERSUS

THE DIRECTOR OF MUNICIPAL ADMINISTRATION, MUMBAI AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K. J. Topale, Advocate for petitioners.
Shri A. R. Chutke, AGP for respondent Nos.1 and 2.
Shri M. I. Dhattrak, Advocate for respondent No.3.

CORAM : A.S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : 20/12/2021

P. C. :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties considering the short issue involved.

2. The petitioners who are in employment of Municipal Council, Umrer seek a declaration that they are entitled to pensionary benefits as per the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 and not the new pension scheme that would be made applicable from 01/11/2005.

3. On perusal of the writ petition and the submissions filed by the respondent No.3, it is seen that in Writ Petition No.7407/2018 (Sudhir s/o Keshavraoji Maski and others Vrs.

The Director of Municipal Administration, Mumbai and others) as well as in Writ Petition No.6172/2019 (Vijay Maedhukar Raut and others Vrs. The Director of Municipal Administration, Mumbai and others) wherein Municipal Council, Umrer was a party, this Court has held that as the petitioners therein were in employment of the Municipal Council prior to 31/10/2005 their services would be governed by the provisions of the Maharashtra Civil Services (Pension) Rules, 1982. Since there is no dispute on this relevant aspect, the writ petition is disposed of by passing the following order :-

i] It is declared that the new pension scheme framed pursuant to Government Resolution dated 31/10/2005 would not be applicable to the petitioners and they would be entitled to such benefits from the date of sanction granted by the State Government to their appointment.

ii] Rule is made absolute in aforesaid terms.
No costs.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)

Choulwar

VITHAL
MAROTRAO
CHOULWAR

Digitally signed by VITHAL
MAROTRAO CHOULWAR
Date: 2021.12.21 18:52:45
+0530