

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10380 OF 2018

Samarjeet Dayaram Yadav ...Petitioner

Versus

Dnyaneshwar Math Trust & Ors. ...Respondents

BHALCHANDRA
GOPAL
DUSANE

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Date: 2022.06.10
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Mr. N.R. Bubna for Petitioner.
Mrs. P.J. Chavan, AGP for State.
Mr. Sandeep D. Shinde for Respondent - Corporation.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 9TH JUNE 2022

P.C. :

1. The contention of the Petitioner is that the Petitioner is brought on 100% grant-in-aid, since the academic year 2005-2006. The Petitioner is entitled for the old pension scheme.

2. Learned Counsel for Respondent no.4 submits that the Petitioner Is brought on 100% grant-in-aid under order dated 10th April 2006. The

recommendation itself was made on 2nd February 2006. In view of the fact that the Petitioner is brought on 100% grant-in-aid under order dated 10th April 2006, the Petitioner is not entitled for the old pension scheme. The cut-out date was 1st November 2005.

3. According to the learned counsel even the Petitioner accepted that he would be governed by D.C.P. Scheme, now the Petitioner turned around.

4. We have considered the submissions.

5. The question about the entitlement of the Petitioner to be governed by the old pension scheme. The order dated 10th April 2006 bringing the primary section on 100% grant-in-aid shows that the same is brought on grant-in-aid from the year 2005. The academic year commences from 1st June.

6. According to the Petitioner, the Petitioner was paid salary as 100% grant-in-aid employee, since the academic year 2005.

7. The statutory provision would apply with all its rigors.

8. In the light of above, it is held that as the Petitioner is brought on 100% grant-in-aid, since the academic year 2005-2006, the Petitioner

would be governed by the old pension scheme. .

9. The Respondent shall take necessary steps in that regard expeditiously.

10. The petition is accordingly disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)