

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

WRIT PETITION NO. 3654 OF 2016

Shri Bhagwat Kisan Jadhav ...Petitioner
vs.
The State of Maharashtra
Through The Secretary and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 3665 OF 2016**

Shri Revgade Madhav Dagadu
and Ors. ...Petitioners
vs.
The State of Maharashtra
Through The Secretary and Ors. ...Respondents

**ALONGWITH
WRIT PETITION (ST) NO. 9823 OF 2016**

Smt. Tanpure Sindhu Shivram and Ors. ...Petitioners
vs.
The State of Maharashtra
Through The Secretary, Ministry
of Finance and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 4584 OF 2016**

Shri Rajendra Laxman Kharje and Ors. ...Petitioners
vs.
The State of Maharashtra
Through The Secretary and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 5110 OF 2016**

Shri Vishwas Laxman Chagan
and Anr. ...Petitioners
vs.

The State of Maharashtra and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 3642 OF 2016**

Shri Vinod Vithalrao Gadge and Anr. ...Petitioners

vs.

The State of Maharashtra through
Secretary, Minister of Finance and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 8860 OF 2017**

Shri Narendra Pandurang Wavhal
and Anr. ...Petitioners

vs.

The State of Maharashtra through
Secretary, Minister of Finance and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 13327 OF 2016**

Shri Padvi Sampat Jalamsingh and Anr. ...Petitioners

vs.

The State of Maharashtra through
Secretary and Ors. ...Respondents

Mr. Satyajeet Rajeshirke - Advocate for the Petitioners
Smt. S. S. Bhende - AGP for the Respondent-State

**CORAM : S.V. GANGAPURWALA AND
S. M. MODAK, JJ.**

DATE : 05th JULY, 2022

P. C. :-

1. The Petitioners are claiming benefit of old pension scheme. The grievance of the Petitioners is that they are appointed prior to 2005, some

of were on a part time post in 100% grant in aid.

2. Learned counsel submits that in similarly situated case this Court has directed to relegate the matter to the office of the Deputy Director of Education or Director of Education or Education Officer for taking decision.

3. Reference is made to the Order dated 11/04/2022 in Writ Petition No. 8990 of 2021.

4. Respondent No.3 or Deputy Director of Respondent No.4, as the case may be, are directed to decide case of each of the Petitioners regarding applicability of the old pension scheme as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pensions) Rules-1984 and General Provident Fund Scheme by keeping in view law laid down by this Court in its various judgments including the judgments referred to in the body of the judgment.

5. If it is so found by Respondent No.3 or Deputy Director of Respondent No.4, as the case may be, that the Petitioners are governed by old pension scheme, the Respondent No.3 or Respondent No.4, as the case may be, shall issue necessary directions not to deduct any amount from the salary payable to the Petitioners governed by the old pension scheme for the purpose of its applying to the DCPS or NPS, and shall also issue

necessary directions for refunding of these amounts to those petitioners from whose salary, same are deducted earlier within four weeks of the date on which such determination is made.

6. In case it is found that the Petitioners are governed by the old pension scheme necessary directions shall be issued by Respondent No.3 or Deputy Director of Respondent No.4, as the case may be, to open GPF accounts in the names of the Petitioners found eligible for same, within four weeks of the date on which their eligibility is determined.

7. Each of the Petitioners to appear before the Respondent No.3 or Deputy Director of Respondent No.4, as the case may be, on 19th July 2022.

8. Accordingly, the present Writ Petitions are also disposed of.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA, J.]