

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2459 OF 2022

Bhupal Bhau Bargale	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Satyajeet A. Rajeshirke, Advocate for the Petitioner.

Mr. K. S. Thorat, AGP for the Respondents/State.

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

DATED : AUGUST 30, 2022

P.C.

1. The petitioner claims to have been appointed as part time Assistant Teacher on 26th July 1988 and upgraded to the post full time Assistant Teacher on 1st August 2007 and is retired on attaining superannuation on 31st May 2016. The petitioner seeks benefits of old pension scheme.
2. We have heard the learned AGP for the respondents/State.
3. The issue is no longer interga in view of the order dated 11th April 2022 in Writ Petition No. 8990 of 2021.
4. In light of that, we follow the same Course.
5. The petition is, therefore, partly allowed and following directions are issued.
6. Respondent No.4/Education Officer is directed to

decide case of the petitioner regarding applicability of the old pension scheme as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pension) Rules 1984 and General Provident Fund Scheme by keeping in view the law laid down by this Court in its various judgments.

7. If it is so found by respondent No.4 that the petitioner is governed by old pension scheme, the respondent No.4 shall issue necessary directions to not deduct any amount from the salary payable to the petitioner 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 amount to the petitioner from whose salary, same are deducted, within four weeks of the date on which such determination is made.

8. In case, it is found that the petitioner is governed by the old pension scheme, necessary directions shall be issued by respondent No.4 to open GPF account in the name of the petitioner found eligible for the same, within four weeks of the date on which his eligibility is determined.

9. The petitioner to appear before respondent No.3 on 21st September 2022.

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

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

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