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

**WRIT PETITION NO. 10926 OF 2022**

Govardhan Namdeo Topale (Deceased)  
Through Bhartibai Govardhan Topale ..... Petitioner

Vs.

State of Maharashtra & Ors. .... Respondents

**WITH  
WRIT PETITION NO.9838 OF 2022**

Ramchandra Choure ..... Petitioner

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. Balaji Shinde for the Petitioner in 10926/2022  
Mrs. P.J.Gavhane, AGP for the State  
Ms. Sonali Pawar I/b. A. R. Kapadnis for Respondent Nos.4 and 5

**CORAM: S.V.GANGAPURWALA &  
R.N. LADDHA, JJ.**

**DATED : SEPTEMBER 21, 2022**

**P.C.**

1 We have heard the learned Counsel for the Petitioner and the Respondents.

2 The learned Counsel for the Petitioner submits that all these Petitioners are appointed prior to the Government Resolution dated 4<sup>th</sup> October 1983. The Petitioners seek pensionary benefits.

3 The Division Bench of this Court at Aurangabad to which one of us (S.V.Gangapurwala,J.) was a party, under order dated 4<sup>th</sup> July 2019 in Writ Petition No.6143 of 2016 with connected Writ Petition has held that the cut-off-date provided under Government Resolution dated 4<sup>th</sup> October 1983 is erroneous and the Petitioners treated as regular employees working and officiating on substantive vacant post till the age of superannuation, should be considered for retiral and pensionary benefits.

4 The Petitioners are similarly situated as the Petitioners in Writ Petition No.6143 of 2016 decided under judgment and order dated 4<sup>th</sup> July 2019.

5 In light of that, we pass the following order:

- a. We direct that the Petitioners would be entitled for pension and pensionary benefits.
- b. The Respondents shall consider case of the Petitioners for pensionary benefits and shall not refuse to grant pensionary benefits to the Petitioners on the ground that they did not possess the necessary qualification. The same shall be considered expeditiously and preferably within a period of four (04) months from the date of this order.
- c. The Writ Petitions stand disposed of.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)