

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

WRIT PETITION NO. 11086 OF 2022

Mahadevi Ramesh Mane
@ Miss Mahadevi Shivardura
Bamane-Patil

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

YUGANDHARA
SHARAD
PATIL

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Mr. S.A. Rajeshikre for the Petitioner.
Mr. S.B. Kalel AGP for the State.

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

DATED : 22nd SEPTEMBER 2022

P.C. :-

1. Learned counsel for the petitioner submits that the petitioner was appointed as a part time Assistant Teacher on 100/- grant-in-aid post on 04.09.1996. The petitioner continuously worked as a part time Assistant Teacher till the petitioner was upgraded as full time Assistant Teacher on 15.10.2007. Learned counsel for the petitioner submits that the petitioner would be governed by old pension scheme.

2. We have heard learned AGP for respondent Nos. 1 to 4.

3. In case the petitioner has worked as a part time Assistant Teacher on 100% grant-in-aid post and his appointment is approved and subsequently after 1.11.2005 is upgraded as full time Assistant Teacher on 100% grant-in-aid

post, then the petitioner would be governed by old pension scheme. The reference can be had to the judgment of the Division Bench of this Court dated 11/04/2022 in Writ Petition No. 8990 of 2021 with connected matters.

4. In light of that we pass the following order.

ORDER

- (i) Respondent No.3 Deputy Director 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 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.
- (ii) If it is so found by Respondent No.3 Deputy Director that the Petitioner is governed by old pension scheme, the Respondent No.3 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 theses amounts to the petitioner if the same are deducted from his salary, within four weeks of the date on which such determination is made.

- (iii) In case it is found that the Petitioner is governed by the old pension scheme necessary directions shall be issued by Respondent No.3 or Deputy Director, to open GPF account in the name of the Petitioner, found eligible for same, within four weeks of the date on which his eligibility is determined.
- (iv) The Writ Petition is disposed of accordingly. No costs.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)