

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

WRIT PETITION NO. 4520 OF 2022

Anant Daji Vishe

...Petitioner

V/s.

State of Maharashtra through its

Additional Chief Secretary and Ors.

...Respondents

Mr. S. N. Biradar a/w. Mr. Dinesh R. Shinde, for the Petitioner.

Mr. V. M. Mali, A.G.P. for the Respondent-State.

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**CORAM : A. S. CHANDURKAR AND
G. A. SANAP, JJ.**

DATE : 4 May 2022

P.C.

. Rule. Rule made returnable forthwith. Heard by consent of the parties.

2. The petitioner seeks a declaration of being governed by the Old Pension Scheme which is known as Maharashtra Civil Services (Pension) Rules 1982, that the General Provident Fund is applicable to him. The petitioner was initially appointed as a

Part Time Teacher on 1 July 1999 at the respondent No.8 – School. His appointment was approved from time to time as a Part Time Teacher. He continued as such till 13 June 2010. On 14 June 2010, the petitioner was appointed as a Full Time Teacher. On the basis of aforesaid and as the School was receiving 100% grant, the petitioner has sought aforesaid declaration.

3. On 28 April 2022, the learned Assistant Government Pleader was called upon to verify the aforesaid facts and to make a statement as to whether the case of the petitioner is governed by the order passed by this Court in *Renuka Chandrabhan Umredkar Vs. State of Maharashtra & Ors.*¹

4. Today, the learned Assistant Government Pleader has tendered communication dated 29 April 2022 issued by the Superintendent Pay and Provident Fund Unit (Secondary) Thane, which is taken on record and marked 'A' for identification where the aforesaid facts have been affirmed.

5. In view of this factual position, we find that the case of the petitioner stands covered by the judgment of the Full Bench in *Deshmukh Dilipkumar Bhagwan Vs. State of Maharashtra and Ors.*² and the subsequent decision in *Renuka Chandrabhan*

¹in Writ Petition No.3696/2021 decided on 7 September 2021

²2019(3) Mh.L.J. 903

Umredkar (supra).

6. Hence, for the reasons contained in the latter judgment, the writ petition is allowed.

7. The respondent Nos.6 to 8 shall submit necessary proposal for granting pensionary benefits admissible to the petitioner under the Old Pension Scheme, within a period of four weeks from today.

8. On such submission, the respondent No.3 shall consider the said proposal within a period of four weeks from the receipt of the same and take the necessary steps to be taken to release the pensionary benefits. If any amount has already been deducted by the concerned respondents, the same shall be refunded to the petitioner while granting the benefit of the Old Pension Scheme. Rule is made absolute accordingly. No costs.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)