

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2882 OF 2022
Chemdeo s/o Mahadeo Wasu and ors

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioners.

Shri D.P.Thakre, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.2903 OF 2022
Devraj s/o Ramaji Bhandarkar

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioner.

Mrs.K.R.Deshpande, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3404 OF 2022
Devendra s/o Govindrao Pendam

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioner.

Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3406 OF 2022
Jyoti w/o Diliprao Chimote

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M. Bobade, Counsel for the Petitioner.

Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3408 OF 2022
Manohar s/o Mulchand Rahangdale and ors

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioner.

Ms T.H.Udeshi, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3409 OF 2022
Madhuri wd/o Yogesh Katre

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioner.

Shri D.P.Thakre, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3410 OF 2022
Onkar s/o Bhaiyalal Pardhi

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioner.

Mrs.K.R.Deshpande, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3411 OF 2022
Santosh s/o Gendlal Nagpure

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioners.

Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3412 OF 2022
Dilip s/o Tejlal Rahangdale and ors

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M. Bobade, Counsel for the Petitioners.

Ms N.P.Mehta, Assistant Government Pleader for the State.

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

CORAM : A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATED : JUNE 23, 2022

1. Heard the learned counsel for the petitioners and the learned Assistant Government Pleaders for the State.
2. Issue notice to the respondents.
3. The respective learned Assistant Government Pleaders waive service of notice for the State.
4. In all these writ petitions, the petitioners seek a declaration that in view of the provisions of the Maharashtra Civil Services (Pension) Rules, 1982, their services to be governed by the Old Pension Scheme and they are entitled to service benefits according to the said Scheme. In view of the fact that the aforesaid issue was referred to a Larger Bench, the adjudication of similar writ petitions was deferred. By the judgment dated 30.4.2019, the Full Bench has answered the reference and in paragraph No.37 while answering question No.2, it has been held that as under:

"37. Under these circumstances, we answer the Reference as under :-

Question No.2 :

The employees who were appointed prior to 1.11.2005 in aided recognized primary, secondary schools as well as colleges of education which were receiving less than 100% grant-in-aid as on 1.11.2005 would be governed by the DCP scheme."

5. The learned counsel for respective petitioners fairly submit that in all these cases the Management started receiving 100% grant-in-aid after 1.11.2005. In view of this position, it is clear that the petitioners would be governed by defined Contributory Pension Scheme which has come into force from 1.11.2005.
6. While disposing of these writ petitions in aforesaid terms, it is also observed that this adjudication would be subject to the challenge that is pending before the Honourable Supreme Court

against the judgment of the Full Bench. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

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RANA
WANKHEDE

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2022.06.27
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