

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.799 OF 2023

**RUKHMINBAI PRALHAD SOMWANSHI
VERSUS**

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

AND

1058 WRIT PETITION NO.12634 OF 2022

AND

901 WRIT PETITION NO.1192 OF 2020

AND

902 WRIT PETITION NO.2841 OF 2022

AND

903 WRIT PETITION NO.9988 OF 2022

AND

904 WRIT PETITION NO.5794 OF 2017

AND

905 WRIT PETITION NO.1346 OF 2019

AND

906 WRIT PETITION NO.2673 OF 2021

AND

907 WRIT PETITION NO.8117 OF 2021

WITH WP/1308/2020 WITH WP/2452/2020 WITH WP/2853/2020

WITH WP/2809/2020 WITH WP/3959/2020 WITH WP/3902/2020

WITH WP/975/2021 WITH WP/1478/2021 WITH WP/1477/2021

WITH WP/1495/2021

AND

908 WRIT PETITION NO.11019 OF 2021

AND

WRIT PETITION NO.3837 OF 2019

AND

WRIT PETITION NO.1229 OF 2020

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Advocate for Petitioners : Mr. Patil Indrale Anand V.
AGP for Respondents/State : S/Shri V.M. Kagne, S.K. Tambe, S.G. Karlekar,
S.G. Sangle and P.S. Patil
Advocate for Respondent/University : Mr. M.N. Navandar

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 3rd February, 2023

PC. :-

1. These petitions were not on board. Being identically placed, all these petitions are taken on board by consent.

2. The petitioners are said to be identically placed. We are re-producing prayer clause-C, D and E set out in Writ Petition No.799/2023, as under:

“C) By issuing appropriate writ, order or directions, the respondents be directed to grant benefit of Maharashtra Civil Services (Pension) Rules, 1982 and benefit of GPF Scheme by quashing and setting aside relevant condition in government Resolution dated 24.07.2015 and condition incorporated in regularization / permanency order dated 21.12.2015 issued by respondent No. 2 Consequently, the respondents be directed to release pensionary benefits to the petitioner including the monthly pension by considering half service rendered by him on temporary basis, in addition to service rendered by him on permanent post or by considering service of petitioner as qualifying service on the post of Mali in terms of Rule 30 of Maharashtra Civil Services (Pension) Rules, 1982 and accordingly the petitioner be paid arrears of pensionary benefits as well as regular monthly pension

along with interest @ 12% per annum and for that purpose necessary directions be issued.

D) Pending admission, hearing and final disposal of this writ petition, the respondent, particularly, respondent Nos. 2 be directed to grant provisional monthly retrial pension to the petitioner by considering her earlier service on temporary basis in addition to service rendered on permanent post and for that purpose necessary directions be issued.”

3. Having considered the submissions of the learned advocate for the respective sides by virtue of their pleadings, we find that this Court has delivered a judgment dated 22.11.2022 in **Writ Petition No.1546 of 2017** filed by **Vithal Tukaram Londhe V/s. The State of Maharashtra and Others**.

4. The present respondent no.2-University is the respondent in the said matter. The learned advocate for the petitioner submits that the claims of these petitioners can be considered by the University in the light of the said judgment.

5. The learned advocate for the University has vehemently opposed the request of the petitioners contending that the said judgment would not be applicable to the case of the petitioners.

6. We find that there are many disputed issues involved. Moreover, the petitioners are yet to approach their employer and the employer has, as yet,

not passed an order of rejecting their request or claims. It is informed that in some matters, the University has communicated that they would not consider the request of the some of the petitioners. It is undisputed that the judgment of this Court dated 22.11.2022 was not delivered, when such communications were issued.

7. In view of the above, these petitions are disposed off with the following directions:

(a) All these petitioners are at liberty to tender a composite common representation or individual representations to the employer setting out their prayers specifically, as are set out in these petitions.

(b) The petitioners would cite the judgment of this Court dated 22.11.2022 in the case of **Vithal Tukaram Londhe** (supra) in support of their claims and the judgement of this Court dated 19.12.2017 delivered in **Writ Petition No.7991/2016 (Gajrabai Sonba Andhare V/s. The State of Maharashtra and Others)**.

(c) The University would consider each of these cases and if required take guidance from the State Government if felt appropriate.

d) After considering the representations, upon receiving the guidance of the State Government, the University would be at liberty to deal with each representation on its own merits, independently and pass a reasoned order.

e) Let such exercise be completed on or before 30.06.2023.

f) If any of the petitioner/s is/are aggrieved by such decision, they would be at liberty to avail of a remedy as is permissible in law.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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