

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

989 WRIT PETITION NO.13030 OF 2023

**ASHOK MURLIDHAR WAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

**AND
1002 WRIT PETITION NO.13046 OF 2023**

**SUNITA HAIBATRAO SAWANT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Mrs Sangeeta Tambat – Dhumal, Advocate for Petitioners
Mr. V. M. Kagne, Mr. A. V. Deshmukh, AGPs for Respondent – State
Mr. P R. Nangare, Advocate for Zilla Parishad, Aurangabad
Mr. U. S. Patil, Advocate for Zilla Parishad, Dhule

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.10.2023.

PER COURT :-

1. The Petitioners rely upon a common order dated 11.04.2022 passed in Writ Petition No.8990 of 2021 at the Principal Seat and several orders passed by this Court.

2. The issue is as regards verifying whether the Petitioners would be eligible for the benefits under the old pension scheme or the Defined Contribution Pension Scheme.

3. In view of the above, **these Petitions are disposed off** with the following directions:-

- [a] The impugned order directing the deduction towards Defined Contribution Pension Scheme [DCPS], shall be kept in abeyance.
- [b] The Chief Executive Officer, Zilla Parishad, Dhule/Aurangabad, shall issue notice to each of these Petitioners within 15 days from today and allot them particular dates and time to cause their appearance along with their records.
- [c] On the date of hearing, the Chief Executive Officer, Zilla Parishad, Dhule/Aurangabad, would consider the records produced by the Petitioners, if any, and conduct a verification exercise as regards their exact dates of appointment and their eligibility in the light of the Government Resolution dated 31.10.2005.
- [d] Let this exercise be completed within sixty [60] days from the date of appearance of the parties.

- [e] After the verification exercise is completed, those who are held eligible for the old pension scheme, shall be communicated in writing, and in case, there are any deductions made towards the DCPS, the said deductions shall be returned/re-deposited in their salary account.
- [f] In the case of those who are found to be ineligible, individual reasoned order shall be passed and the same shall be conveyed to the concerned Petitioners within 15 days of drawing such conclusion.
- [g] The aggrieved parties would be at liberty to avail of the remedies as may be statutorily permissible.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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