

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

WRIT PETITION NO. 202 OF 2023

Sagartai Ramchandra Kene __ Vs. __ State of Maharashtra and anr

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

Court's or Judge's orders

Mr. S.M.Vaishnav, Advocate for petitioner
Mr. N.R.Patil, AGP for respondent no. 1
Mr. B.N.Jaipurkar, Advocate for respondent no.2

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/06/2023

1] Mr. Patil, learned AGP appearing for respondent no.1, in view of the position as spelt out from the record, does not dispute that the old pension rules would be applicable to the petitioner, on account of the fact that she was appointed on 29.10.2005 and the cut off date of 1.11.2005 is mentioned in the GR dated 31.10.2005 (pg.73), which makes the DCPS scheme applicable to Govt. Servants who are recruited on or after 1.10.2005 in Govt. Service.

2] The position in this regard has been correctly spelt out in the order dated 20.2.2016 (pg.44) by the CEO, Z.P. Yavatmal,.

3] This position is not disputed by Mr.Jaipurkar, learned counsel for respondent no.2, considering which the impugned orders dated 6.6.2022 (pg.25) and 30.9.2022 (pg.19) are hereby quashed and set aside.

4] The Respondent no.2 is therefore directed the release the pension and other benefits of the

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petitioner as permissible thereunder. The same be done as far as possible within the period of three months from today.

5] The petition is accordingly disposed of in above terms. No costs.

JUDGE

Rvjalit