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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15123 OF 2023
(Vishwas Rustumrao Shelke and Others Vs. The State of Maharashtra and Others)

Mr.S.K.Mathpati, Advocate for the Petitioners.
Mr.D.R.Korade, AGP for Respondent Nos. 1 to 3.
Mr.C.D.Biradar, Advocate for Respondent Nos. 4 and 5.

**(CORAM : RAVINDRA V. GHUGE AND
R.M. JOSHI, JJ.)**

DATE : APRIL 18, 2024

PER COURT :

1. The reply of Respondent Nos. 4 and 5 is taken on record.
2. On 12.12.2023, we had passed the following order :-
*“1. This is a matter pertaining to whether the old pension scheme is applicable or the new defined contributory pension scheme.
2. Issue notice to the Respondents, returnable on 29.01.2024.
3. The learned AGP waives service of notice on behalf of Respondent Nos. 1, 2 and 3.
4. All office objections to be removed within five weeks, failing which, the Petition would be dismissed, without reference to the Court.”*
3. The learned Advocate for the Petitioners submits that the

Petitioners desire to rely on the new GR dated 02.02.2024, issued by the State Government thereby extending an option to similarly situated employees whose selection process has commenced prior to 01.11.2005 and their appointments have been effected after 01.11.2005. After such options are expressed by the candidates, the State has reserved its rights to scrutinize the said claims and pass appropriate orders. He, therefore, prays for a similar order passed by this Court, dated 15.02.2024, in WP No.2603/2021 (Gajanan Sheshrao Mupde Vs. The State of Maharashtra and Others and connected matters).

4. In view of the above, **this Writ Petition is disposed off.** If the Petitioners opt for the benefits of the GR dated 02.02.2024, the State Government would be at liberty to scrutinize each case as per the choice expressed by the Petitioners and pass appropriate orders within the timeline prescribed in the GR.

(R.M.JOSHI, J.)

(RAVINDRA V. GHUGE, J.)