

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.. 10730 OF 2022

YUGANDHARA
SHARAD
PATIL

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Sushil Sudam Jadhav And Ors.

...Petitioners

Versus

The State Of Maharashtra and Ors.

...Respondents

.....

Mr. Ashwin Kapadnis a/w Vivek Rane for the Petitioners.

Ms. Rupali Shinde, AGP for Respondent Nos. 1 and 2.

.....

**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 16 JANUARY 2024

P.C.:

. Petitioners, 33 in number, working with Zilla Parishad, Raigad have sought following prayer:

“ B) By issuing appropriate writ of mandamus or any other writ, order or direction in the nature of writ, this honorable court please to hold that, the petitioners are recruited before 1.11.2005 and entitled for Old Pension Scheme and the Maharashtra Civil Services (Pension) Rules 1982 are applicable to the petitioners and consequently direct the respondents to take all necessary steps to grant Old Pension Scheme to the petitioners as per Government Resolution 31.10.2005 and as per the Maharashtra Civil Services (Pension) Rules 1982 and for that

purpose issue necessary orders.”

2. For considering the above prayer, there will have to be factual inquiry as regards the relevant date of Petitioners appointment whether it is prior to 31 October 2005 or post 1 November 2005, as their entitlement for pension would depend on the same.

3. We accordingly dispose of the Writ Petition directing Respondent No. 3-Chief Executive Officer to examine case of each of the Petitioners in light of the law laid down by this Court after verifying whether the appointment/recruitment process was before 1 November 2005 and in case Chief Executive Officer comes to the conclusion that the Petitioners are entitled to Old Pension Scheme proceed to communicate the same to the Petitioner. In case any individual Petitioner is not entitled to the benefit of the old scheme, then pass a speaking order and communicate the same to such individual Petitioner .

4. With these directions Writ Petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)