



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

WRIT PETITION NO.18097 OF 2024

Pradeep Rangrao Nalawade

...Petitioner

Versus

Poona College Of Pharmacy And Ors.

...Respondents

...

Adv. Aditi Naikare for the Petitioner.

Adv. A. R. Deolekar, AGP for Respondent Nos. 3 & 4.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 12th DECEMBER, 2024

Per Court :-

1. The Petition before us is simply for the reason that after the Petitioner was held eligible for the old pension scheme under the orders of the High Court, dated 3rd July, 2023 in Writ Petition No. 2187 of 2022, the contribution made by the Petitioner while in employment, towards the Defined Contributory Pensions Scheme (DCPS), has not been returned to the Petitioner. No benefit under the said scheme has been taken by the Petitioner.

2. **Issue notice to the Respondents** returnable on 17th January,

2025. The learned AGP waives service of notice on behalf of Respondent Nos. 3 and 4. Besides Court notice, the Petitioner is at liberty to serve Respondent Nos. 1 and 2 by Advocate's notice along with a copy of this order, by Speed Post A D.

3. The learned Advocate for the Petitioner is right in submitting that though this issue appears to be plain and simple, unless an early decision in this matter is not delivered, there is a possibility that identically placed employees would be approaching this Court by filing Writ Petitions.

4. The learned AGP submits on instructions that the State Government is in the process of preparing a scheme for returning of such amounts to the contributors. Under the DCPS, 10% of the basic pay of the employee and an equal contribution by the State Government, are the components. The amounts will have to be returned in proportion.

5. We could have passed an order today giving guidelines to the State Government for returning the amounts within a particular time frame. The learned AGP submits that he needs to take instructions as to whether a scheme can be devised expeditiously.

6. In view of the above, we are indicating to the State Government that where the employee has not taken the benefit of the DCPS and is held eligible for the old pension scheme, either by the Competent Authority or under the orders of this Court, the amount contributed by the employee shall be returned to such employee within a period of 60 days from today, if there is no other legal impediment. If any portion of the contribution towards DCPS is to be set-off against the contribution under the old pension scheme, the remainder amount can be returned to the employees.

7. List the Petition on **17th January, 2024** in the ‘fresh admission category.’

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)