



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

**CIVIL APPLICATION NO. 27 OF 2025
IN
WRIT PETITION NO. 2651 OF 2024**

Shamrao Bhimrao Ghuge and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Shri Ajay G. Talhar, Advocate for the Applicant.

Shri D. R. Korde, A.G.P. for the Respondent No. 1.

Shri Manish S. Navandar, Advocate for the Respondent No. 2.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 27TH JANUARY, 2025.**

ORDER :

. Heard the respective counsels.

2. The learned counsel for the respondent No. 2, who is the employer of the applicants states that the applicant Nos. 1, 3, 4, 6 and 7 did not submit their proposals to process their pension papers.

3. The learned counsel for the applicants undertakes to submit the proposals within two (02) weeks from today. After the proposals are submitted, the respondent No. 2 shall start process of the pension of the applicants. However, the question is what is

the retirement age of the applicants. The applicants have claimed that their retirement age was 62 years, however, due to issuance of the impugned government resolution, it has been illegally reduced to 60. If they are retired at the age of 60 years, as per the the impugned government resolution, they should atleast be paid the pension considering that they have retired at the age of 60. In the identical situation the coordinate Bench at Nagpur in Writ Petition No. 1810 of 2024 vide order dated 18.11.2024 has taken a view that the pension may be paid to the applicants on the basis of their retirement age as 60 years. We do not find any reason to take another view.

4. Hence we allow this civil application conditionally and direct the applicants to submit the proposals as mentioned above. If the proposals are submitted with respondent No. 2, the respondent No. 2 shall pay pension on the basis of their age of retirement as 60 years and they should submit an undertaking that they would not claim any benefit or entitlement for anything or any monetary benefit, if the Court hold that their retirement age is 60 years. The applicants shall continue to impart teaching except the applicant No. 5 as he has already retired without any emoluments of any nature whatsoever and for that matter any entitlement till they attend age of 62 years would be subject to outcome of the writ petition.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]

bsb/Jan. 25