

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.1164 OF 2025**

Mahavidyalayeen Va Vidyapithiya

Sevanivrutta Shikshak Association & Ors.] .. Petitioners

vs.

State of Maharashtra & Ors.] .. Respondents

Mr.C.B. Gavnekar a/w Mr.Rohit Parab for the Petitioner.

Mr.A.K. Naik, AGP for the State.

**CORAM : M.S.KARNIK &
ASHWIN D. BHOBE, JJ**

DATE : 18th MARCH, 2025.

P.C. :-

1. Heard the learned counsel for the Petitioners .
2. Issue notice to the Respondents. Mr. A. K. Naik learned AGP waives notice on behalf of Respondent State and seeks time to file Affidavit in Reply.
2. Grievance of the Petitioner Nos. 2 to 259 (all retired teachers) and the Petitioner No. 1 (Association of retired teachers from the University and Affiliated colleges), is against the deduction of amount of the commuted portion of pension, which deduction according to the Petitioners is unlawful. Mr. C.B.Gavnekar advocate for the Petitioners,

draws our attention to para 14 and the grounds raised in the memo of Petition, to contend that the deductions made by the Respondent No.1 is unjust and illegal. He submits that prejudice and injury is and will be caused to the Petitioners on account of the said deductions, as such prays for interim reliefs.

3. Perused the records. Petitioners have made out a prima facie case for indulgence. Prejudice and injury will be caused to the Petitioners, if the Respondents are not restrained from deducting the amount of commuted portion of pension from the monthly pension of the Petitioners. As such, till the returnable date, there shall be interim reliefs in terms of prayer clause (e) of the Petition, which reads as follow :-

“e) Pending the hearing and final disposal of the Writ Petition this Hon’ble Court be pleased to direct Respondents not to deduct the amount of Commuted Portion of Pension from the monthly pension of Petitioner Nos.2 to 259 after the expiry of 11.5 (Eleven and Half year) to 12 years.”

5. Affidavit in Reply to be filed within a period of three weeks from today, by serving advance copy of the same on the Advocate for the Petitioners. Rejoinder, if any, be filed within a period of two weeks, thereafter.

6. Stand over to 29/04/2025.

(ASHWIN D. BHOBE, J.)

(M.S.KARNIK, J.)

