

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

WRIT PETITION NO.15126 OF 2024

Rahul Shantaram DesalePetitioner

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Govind B. Solanke for the Petitioner.

Mr. K S. Thorat 'B' PNL Advocate for the State.

Mr. M. L. Patil for the Respondent No. 4 and 5.

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

DATE : 19th MARCH, 2025

P.C. :-

1. Learned Counsel for the Petitioner submits that he would be satisfied if the representation which is at page No.54 of the paper book, dated 19th March, 2024 is decided expeditiously by the Commissioner or the Competent Authority of the Mahanagarpalika Shikshan Mandal Nashik. The Petitioner has made a representation which is essentially an application for grant of continuity of service and all other benefits including the pay scale as well as the benefits under the Old Pension Scheme. It is the contention of the Petitioner

that his salary is being deducted by the Respondents, towards Defined Contribution Pension Scheme (DCPS), though the same is not applicable to the Petitioner. Relying on the Government Resolution dated 31st October, 2005, learned counsel for the Petitioner submitted that the said Government Resolution says that employees who are recruited prior to 31st October, 2005 would be governed by the Old Pension Scheme.

2. It is submissions of the learned counsel for the Petitioner that the Petitioner was recruited before 31st October, 2005, thus, NPS/ Defined Contribution Pension Scheme is not applicable to the Petitioner.

3. These are matters which may be considered by the Competent Authority when the representation is decided. We have expressed no opinion on the merits of the contentions in the Writ Petition or the representation.

4. The representation to be decided as expeditiously as possible on its own merits and preferably within a period of three months from today and the petitioner be informed accordingly.

5. The Writ Petition is disposed off. No costs.

(ASHWIN D. BHOBE, J.)

(M.S. KARNIK, J.)