



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 4503 OF 2026

Devidas Tulashiram SonunePetitioner

VERSUS

The State of Maharashtra & othersRespondents

Mr. K. D. Pote, Advocate holding for Mr. A. G. Ambetkar, Advocate for
the Petitioner.

Mr. S. K. Tambe, Addl. GP for the State.

**CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.**

DATE : 28th APRIL, 2026.

PER COURT :

1. Present petition has been filed for grant of writ of mandamus as the Petitioner intends to seek benefits of old pension scheme.

2. The Petitioner contends that he was appointed on the post of Assistant Teacher on non grant-in-aid division on 100% grantable school on 02.07.2001. He stood retired on 31.05.2023. Learned Advocate for the Petitioner submits that similarly situated persons had approached various Courts and in those circumstances, they were held to be entitled to get the benefits of the old pension scheme. The new pension scheme is made applicable in view of Government Resolution dated 31.01.2005 for those employees who came to be

appointed after 01.11.2005. Since the Petitioner's appointment is on 02.07.2001, he is entitled to get benefits of the old pension scheme. Hence, Respondent Nos. 6 and 7 ought to have forwarded the pension proposal in view of the old pension scheme.

3. Here, after learned Advocate for the Petitioner was asked as to whether the Petitioner has filed any representation to Respondent Nos. 6 and/or 7, either prior to the date of retirement or immediately after the date of retirement, and then what was the response from those Respondents, it is submitted that he has no instructions in respect of the same. He tried to seek accommodation on the said point. However, it is to be noted from the entire petition that there is absolutely not a single submission that either just prior to the date of retirement or immediately after the date of retirement any representation was made by the Petitioner to Respondent Nos. 6 and 7. The employee who is about to retire should know the benefits which he would get after his retirement. Rather he should start collecting information even prior to his retirement so that the pension proposal can be submitted within a specified time limit. The Petitioner, at this stage, will not be justified in relying upon the decision of this Court in other matters as the facts may differ in

respect of approach of Petitioner/Petitioners therein to the appropriate authority with a representation to consider his case in the old pension scheme.

4. Learned Advocate for the Petitioner, upon instructions, then prays for withdrawal of the petition to approach the competent authority with a representation to consider his case in the old pension scheme.

5. In view of the statement, we dispose of the writ petition by allowing the Petitioner to approach Respondent Nos. 6 and 7 with a representation. Such representation to be filed within a period of 15 days from today. Though Respondent Nos. 6 and 7 have not been summoned, yet we direct them to decide said representation by Petitioner within a period of 4 weeks after the receipt of such representation.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb