

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10231 OF 2025

Pune Mahanagarपालिका Kamgar Sanghatana ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Sagar Kursija a/w Mr. Sachin Palse, Mr. Amit Kursija, Mr. Ajay Patil for the Petitioner.

Smt. Pooja Patil, AGP for the Respondent No. 1-State.

Mr. Vishwanath Patil a/w Ms. Nidhi Chauhan for the Respondent No. 2 -PMC.

CORAM : R.I. CHAGLA J
ADVAIT M. SETHNA, J
DATE : 4 May 2026

ORDER :

1. We have heard the learned Counsel for the parties as well as perused the prayers in the Petition, which seeks direction to the Respondent No. 2 – Pune Municipal Corporation (PMC) to give prospective effect in respect of the official gazette dated 26th August 2014 and declare that the Rules will apply to the employees who are appointed after 2014 and grant the denied benefits under assumption of 58 years of retirement age as well as grant all notional benefits,

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including recalculation of pension and retirement benefits, as though the employee had continued in service until attaining 60 years.

2. The members of the Petitioner Association were employees of Respondent No. 2 – PMC and were made to retire at the age of 58 years on account of the Respondent No. 2 – Pune Municipal Corporation (Staffing Pattern and Classification of Service) Rules, 2014 (“**the said Rules**”) having been published in the official gazette on 26th August 2014. By the said Rules, the post at which the employees were working was classified as Class-3 and having age of retirement as 58 years. It is the contention of the Petitioner that the Respondent No. 2 – PMC has implemented the said Rules retrospectively to those employees who were in direct service appointment prior to 2014 and which includes members of the Petitioner association in the present case.

3. Mr. Patil, the learned Counsel for the Respondent No. 2 – PMC, has submitted that in view of order of the Supreme Court in **Sanjay Sadhashiv Bendre & Anr. Vs. The State of Maharashtra & Ors.**¹, the PMC has issued General Body Resolution dated 23rd March

¹ CA No. 3519/2025 (SLP (C) No.18756/2023) Order dtd 3.03.2025 paras 19 and 20

2026 implementing the said order of the Supreme Court. By the said order, in respect of those employees who have attained the retirement age (the members of the Petitioner Association in the present case), the Corporation shall undertake a prompt review of their individual cases and shall confer all notional benefits including recalculation of pension and retirement benefits, as though the employees had continued in service until attaining 60 years. However, no actual salary or other monetary emoluments shall be paid for the period during which the employees did not serve.

4. Mr. Patil has tendered the said General Body Resolution dated 23rd March 2026, which is taken on record and marked “X” for identification.

5. Mr. Kursija, the learned Counsel for the Petitioner, states that an application will be made by the members of the Petitioner Association, who were the employees of Respondent No. 2 – PMC and who have retired upon attaining age of 60 years for conferring all notional benefits including recalculation of pension and retirement benefits, as though the said members had continued in service until attaining 60 years and which application will be made

within a period of one week from the date of uploading of this order.

6. In the event, the application is made, Respondent No. 2 - PMC shall decide the application of the members of the Petitioner Association within a period of three months from filing of the application.

7. We dispose of the present Petition in these terms with no order as to costs.

8. The learned Counsel for the Petitioner upon disposal of the Petition states that the right of the members of the Petitioner Association to claim compensation from the Respondent No. 2-PMC, in view of having been forced to retire at the age of 58 years, is required to be kept open.

9. Accordingly, the aforementioned right of the members of the Petitioner Association as well as the contentions of the Respondent No. 2-PMC are kept open.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]