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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL WRIT PETITION NO.15770 OF 2025**

Manoj Jagannath Dabhade  
aged about :60 years, Occ: Retired,  
R/at :At Front No.12, Rajdhani,  
Hou. So.. Jakhadi Nagar,  
Indira Nagar, Nashik 422009 ...Petitioner

Versus

- 1 The State of Maharashtra  
Through Rural Development Department,  
Government of Maharashtra, Mantralaya,  
Mumbai
- 2 Nashik Zilla Parishad, Nashik,  
At post Tal and District Nashik  
Through its Chief Executive Officer,  
Nashik ...Respondents

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Mr. Omkar A. Wable i/b. Mr. Milind Deshmukh for the Petitioner.

Mr. P.P. Kakade, Addl. GP a/w Mr. M. Pabale, AGP for the  
Respondent No.1 – State.

Mr. Ashwin R. Kapadnis for the Zilla Parishad Nashik for  
Respondent No.2

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**CORAM : RAVINDRA V. GHUGE &  
ABHAY J. MANTRI, JJ.**

**DATE : 2<sup>nd</sup> FEBRUARY, 2026**

**ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J) :-**

1. Rule. Rule is made returnable forthwith and heard  
finally with the consent of the parties.

2. The Petitioner is aggrieved that he has not been granted the benefits of the Old Pension Scheme (OPS) on unsustainable grounds.

3. The dates and events are relevant which are as under :-

(a) On 2<sup>nd</sup> January, 1985, the Petitioner was appointed as a Clerk in Saki Gram Panchayat, Taluka Sakri, District Dhule. Staffing pattern was approved. His post was approved and the salary was paid from the salary grants released funds by the State Government.

(b) The State Government issued a Circular dated 6<sup>th</sup> April, 2005, directing all Divisional Commissioners to prepare a seniority list of Gram Panchayat servants who were in service as on 28<sup>th</sup> March, 2005, and had completed 10 years of service as well as were below 45 years of age. The Petitioner fulfilled all these terms.

(c) The Government of Maharashtra issued a Notification dated 19<sup>th</sup> August, 2005, amending

the Zilla Parishad District Services (Recruitment) Rules, 1967, and thereby reserved 10% posts in the Zilla Parishad Establishment to be filled in by eligible Gram Panchayat servants who had completed 10 years of service. The Petitioner had put in more than 20 years of service.

- (d) By Govt. Resolution dated 1<sup>st</sup> November, 2005, the Cut-off date for grant of OPS was declared to be 31<sup>st</sup> October, 2005.
- (e) On a voluntary Application, the Petitioner was transferred Inter-District on 5<sup>th</sup> March, 2011, from Dhule Zilla Prishad, to Nashik Zilla Parishad, without any break in service.
- (f) The Govt. Resolution dated 1<sup>st</sup> October, 2024, clearly indicates that the recruitment should be based on an advertisement or a Govt. Circular published prior to 1<sup>st</sup> November, 2005.
- (g) By an Order passed by the Chief Executive Officer (“CEO”), Zilla Parishad, Nashik, on 4<sup>th</sup> May, 2025, the Petitioner’s name is entered at serial No.3 with the remarks that he was granted

an appointment in the Zilla Parshad service on the basis of the Circular 19<sup>th</sup> August, 2005.

- (h) In the order dated 4<sup>th</sup> May, 2005, wherein the Petitioner's name is shown at serial No.3 having been appointed vide notification dated 19<sup>th</sup> August, 2005, it is also mentioned in the 4<sup>th</sup> column with the title “पदभरती जहिरात दिनांक”, mentioning the date as 2<sup>nd</sup> August, 2005.

4. The learned Additional Govt. Pleader submits that this Court may pass an appropriate order considering the relevant facts and sequence of events. The learned Advocate Mr. Kapadnis who normally appears for Nashik Zilla Parishad, was called upon by the Court to render his assistance. It is on the request of the Court, he has caused his appearance. He submits that since the CEO has passed an order dated 4<sup>th</sup> May, 2025 and the details of the Petitioner are entered at serial No.3 below paragraph 7, he cannot canvass against the said order of the CEO.

5. It is now settled law that if an advertisement is published and the selection process has commenced prior to 31<sup>st</sup>

October, 2005, notwithstanding that the selection process may complete after the cut-off date resulting in the appointment of a candidate, such appointees would be entitled for OPS.

6. We find in the present case that the sequence of events are clear. There is no ambiguity that the Petitioner was appointed on 19<sup>th</sup> August, 2005, on the basis of advertisement dated 2<sup>nd</sup> August, 2005, and this has been accepted by the CEO, Zilla Parishad, Nashik, in the order dated 4<sup>th</sup> May, 2025.

7. In view of the above, **this Petition is allowed.** The impugned communication dated 29<sup>th</sup> September, 2025, is quashed and set aside.

8. It is declared that the Petitioner would be entitled to the Old Pension Scheme. The regular pension shall be commenced within 45 days. The contribution made by the Petitioner to the Defined Contribution Pension Scheme (“DCPS”) has also accrued interest. Therefore, to the extent of the share of the Petitioner and the interest accrued restricted only to his share, would be transferred in his favour under such head as is permissible, within a period of

45 days. The share of the State Government and interest accrued thereon will remain with the State Government. The Petitioner be paid arrears of the OPS within a period of 60 days from today, keeping in view that he has superannuated on 31<sup>st</sup> May, 2024 with simple interest per annum @4%. Needless to state, if he has already received any pension amount, the same shall be adjusted against the payable pension under the OPS.

9. **Rule is made absolute** in the above terms. No order as to costs.

**(ABHAY J. MANTRI, J.)**

**(RAVINDRA V. GHUGE, J.)**