

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1241 OF 2026**

Dilip Prabhakar Khambait & Anr.

....Petitioners

Versus

The State of Maharashtra & Anr.

....Respondents

Mr. Balaji Shinde, for the Petitioners.

Mr. Ashwin R. Kapadins, for Respondent Nos. 4 & 5./ZP Pune.

Mr. P. P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP.

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

Shri. Ashwin R. Kapadnis, for Respondent Nos. 4 & 5/ZP Nashik.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.
DATE : 06th FEBRUARY, 2026**

P.C. :-

1. The Petitioners, 17 in number, working with Zilla

Parishad, Nashik, have made the following prayer :

B) By issuing appropriate writ of mandamus or any other writ, order or direction in the nature of writ, this honorable court please to hold that, the petitioners are recruited before 1.11.2005 and entitled for Old Pension Scheme and the Maharashtra Civil Services (Pension) Rules 1982 are applicable to the petitioners and consequently direct the respondents to take all necessary steps to grant Old Pension Scheme to the petitioners as per Government Resolution 31.10.2005 and as per the Maharashtra Civil Services (Pension) Rules 1982 and for that purpose issue necessary orders.

2. For considering the above prayer, there will have to be

a fact finding inquiry as regards the relevant details of the Petitioners' Recruitment and as to whether it was prior to 31st October 2005 or post 1st November 2005, as their entitlement for the type of pension would depend on these factors.

3. **This Writ Petition is, therefore, disposed off,** directing Respondent No. 3 Chief Executive Officer to examine the cases of each of these Petitioners in the light of the law laid down by this Court after verifying whether the appointment/recruitment process was before 1st November 2005. In case the Chief Executive Officer comes to the conclusion that the Petitioners are entitled to the old Pension Scheme, he shall proceed to communicate the same to the Petitioners. In case any individual Petitioner is not entitled to the benefit of the old scheme, he shall pass a speaking order and communicate the same to such individual Petitioner.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)