



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3840 OF 2024

PETITIONER:

Ashish Digambar Giri, Age 43 years,
Occu.: Tax Clerk, R/o C/o. Municipal
Council, Daryapur, Dist. Amravati.

-Versus-

RESPONDENTS:

1. State of Maharashtra, Through its
Secretary, Department of Finance,
Mantralaya, Mumbai 32.
2. State of Maharashtra, Through its
Secretary, Urban Development
Department, Mantralaya, Mumbai-32.
3. The Collector, Amravati.
4. Municipal Council, Daryapur, Dist.
Amravati through its Chief Officer.

Mr. P. S. Kshirsagar, Adv. for the petitioner.
Mr. N. R. Patil, AGP for the respondent Nos.1 to 3.
Mr. N.S.Bhelkar, Adv. for the respondent No.4.

**CORAM : SMT. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 28.01.2026.
DATE ON PRONOUNCING THE JUDGMENT : 02.02.2026.

JUDGMENT : (Per – Smt. M.S.Jawalkar, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with
the consent of the learned counsel for the parties.

3. The present petition is filed seeking direction to the respondents to apply old pension scheme to the petitioner.

4. The petitioner applied for compassionate appointment on 30/06/2003. It is submitted that the Municipal Council Daryapur had taken a resolution on 28/01/2004 for forwarding the proposal of the petitioner for consideration. The resolution is placed on record at Annexure-2 (Pg.19). The petitioner came to be appointed on 30/05/2006. It is contention of the petitioner that as his name was forwarded for inclusion in the waiting list for the appointment on compassionate ground to the Collector, Amravati on 31/03/2005, the old pension scheme is required to be applied to him.

5. The learned counsel for the petitioner relied on the judgment in **Writ Petition No.2270 of 2021 (Khilari Rajendra Eknath and others v. The State of Maharashtra and others)** in support of his contention. In the said matter the advertisement was issued on 20/06/2005 and written test was conducted on 09/08/2005. However, the appointment order issued on or after 01/11/2005, which is the cut-off date for applying new pension scheme. The learned counsel for the petitioner also placed reliance on the judgment in **Writ Petition No.14481 of 2023 (Ganesh Dnyandeo Rokade and others v. The Principal Secretary, Rural Development Department and others)**, wherein the Principal Seat of this Court directed the State Authorities to initiate steps for completing the

formalities for including the petitioners in the old pension scheme. However, in the said matter, the petitioners, who all appointed on compassionate basis were “**approved**” for appointment on compassionate basis on 09/08/2005, 23/08/2005, 31/08/2005, 01/09/2005, 08/09/2005, 05/09/2005 and 31/10/2005. Though all of them were appointed after the cut-off date on 01/11/2005, their names were “**approved**” and **included** in the select list for appointment on compassionate basis prior to the Government Resolution dated 01/11/2005, and were appointed after 01/11/2005.

6. In the present matter, the appointment order of the petitioner was issued on 30/05/2006 on the basis of resolution dated 23/01/2006. It was also subject to approval by the Collector. In view of these peculiar facts, there was no prior approval to the appointment of the petitioner before the cut-off date. As such, the judgments cited by the learned counsel for the petitioner are not applicable in the present set of facts. In view of that, the petition is devoid of any merit and is hereby dismissed.

7. Rule stands discharged. No costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)