

(2017) 03 BOM CK 0257
In the Bombay High Court
Case No : 6417 of 2016

Govind s/o Vitthal Talegave

APPELLANT

Vs

The State of Maharashtra & Ors.

RESPONDENT

Date of Decision : 02-03-2017

Acts Referred:

Citation : (2017) 03 BOM CK 0257

Hon'ble Judges : T.V. Nalawade, Sangitrao S. Patil

Bench : DIVISON BENCH

Advocate : Abhishek C. Deshpande, R.P. Gour, S.S. Thombare

Judgement

1. Rule, rule made returnable forthwith. Heard both the sides by consent for final disposal.

2. In all the petitions direction is sought against the University to send revised pension proposal as it is the grievance of the petitioners that though benefit of Government Resolution dated 7/4/2011 was given to them while in service, the benefit is not extended for pensionary benefits and the pension is not fixed accordingly. For giving one instance, they have produced record in respect of one Shamrao Pradhan showing that the benefit was considered for fixation of the pension and the pension was fixed accordingly. There is one correspondence made by the Government with the University dated 10/12/2015. It also shows that the Government has informed that the employees who were in service as on 7/4/2011 or who retired thereafter were entitled to the benefit of the Government Resolution.

3. It appears that when the proposal was considered it was not certain as to whether the benefit of this Government Resolution could have been given and that can be found in the letter addressed to the Joint Director, Higher Education dated 2/7/2015 by the office of the Accountant General.

4. In view of these circumferences, the petitions are allowed. Direction is given only to the extent of consideration of the aforesaid Government Resolution for

the benefit purpose. The University is directed to send the proposal for revised pension with aforesaid clarification. The University and the Joint Director, Higher Education are to complete this exercise within two months from today and the office of the Accountant General within three months thereafter. Rule is made absolute in above terms.