

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.234 OF 2018**

**SUBJECT : Old Pension Scheme**

- 1) PRAFULLA RAMESH WAGH, )  
Age : Adult, Occ : Service, )  
Special Branch I Office, CID Foreign )  
Registration Office building, near St. Xavier )  
College, behind Kama Hospital, Mumbai 400001. )
- 2) PRASHANT I. AHIRE, Age : Adult, Occ : Service )  
Police Control Room, Mantralaya, Madam Kama )  
Road, Nariman Point, Mumbai 400 032. )
- 3) ROHINEE M. BOTHE-DESHMUKH, Age : Adult, Occ : )  
Service, Special Branch , Anex II building 3rd )  
Floor, BP Marg, behind St. Xavier College, Mumbai )  
400 001. )
- 4) ANUP S. DANGE, Age : Adult, Occ : Service, )  
Govandi Police Station,7 Pandita Ramabai Marg, )  
Papanaswadi, Govandi, Mumbai 400 007. )
- 5) SARITA K. GAWADE, Age : Adult, Occ : Service, )  
Headquarter SID, Shahid Bhagat Singh Marg, )  
Near Regal Cinema, Mumbai )
- 6) ANITA R. HIVARKAR, Age : Adult, Occ : Service )  
Headquarters ACB, Worli, Mumbai 18. )
- 7) MEGHA P. INGULE, Age: Adult, Occ : Service, office )  
of the Commissioner of Police, Mumbai, EOW, )  
Crawford Market, Mumbai )
- 8) BHARAT D. JADHAV, Age: Adult, Occ : Service, office )  
of the Commissioner of Police, Mumbai City, )  
Mumbai. )

- 9) HEMANT B. KADALKAR, Age : Adult, Occ : Service, )  
 Headquarter SID, Shahid Bhagat Singh Marg, Near )  
 Regal Cinema, Fort, Mumbai )
- 10) MILIND M. KATHE, Age : Adult, Occ : Service, office )  
 of the DIG NIA, Cumballa Hill, 7th floor, Telephone )  
 Exchange, Pedar Road, Mumbai 28. )
- 11) HARIDAS R. KILLEDAR, Age : Adult, Occ : Service, )  
 Nagpad Police Station, Sofia Jubar Road, Nagpada, )  
 Mumbai. )
- 12) AJAY S. KULKARNI, Age : Adult, Occ : Service, )  
 Andheri Police Station, Near Andheri Railway )  
 Station, Andheri (E), Mumbai 400 069. )
- 13) SAVITA P. MALI, Age : Adult, Occ : Service, )  
 Bandra Police Station, Hill Road, Bandra (W), )  
 Mumbai. )
- 14) RAHUL S. MASKE, Age : Adult, Occ: Service, )  
 Speical Branch I Office, CID Foreign Registration )  
 Office building, near St. Xavier College, behind KAMA )  
 Hospital, Mumbai 400 001. )
- 15) RAJU DHONDU MORE, Ae: Adult, Occ : Service, )  
 Special Branch 1, Zone II, Tardeo, Mumbai. )
- 16) ANAND N. PATIL, Age : Adult, Occ : Service, Special )  
 Protection Unit, Vaju Kotak Marg, Fort, Mumbai 400 )  
 001. )
- 17) SAPNA V. RAUT, Age : Adult, Occ : Service, )  
 Headquarters ACB, Sir Pochkhanwala Road, Worli, )  
 Mumbai 30. )
- 18) RAVINDRA A. SALUNKHE, Age : Adult, Occ : Service, )  
 Amboli Police Station, Jogeshwari (W), Mumbai. )
- 19) SUNIL S. SHELKE, Age : Adult, Occ : Service, office of )  
 the Addl. Commissioner of Police, Protection and )  
 Security Brach, 28 Vaju Kotak Road, Fort, Mumbai 1 )

- )
- 20) KANHAIYALAL P. SHINDE, Age : Adult, Occ : Service, )  
 Special Branch I Office, CID, Foreign Registration )  
 Office building, near St. Xavier College, behind KAMA )  
 Hospital, Mumbai. )
- 21) AJIT R. SULE, Age : Adult, Occ : Service, Nehru )  
 Nagar Police Station, Kurla (E), Mumbai. )
- 22) HEMANT V. THAKRE, Age : Adult, Occ : Service, )  
 Headquarter SID, Shahid Bhagat Singh Marg, Near )  
 Regal Cinema, Fort, Mumbai. )
- 23) VIJAY B. YADAV, Age : Adult, Occ : Service, )  
 Headquarters ACB, Sir Pochkhanwala Road, Worli, )  
 Mumbai 400 030. )
- 24) ANAND P. PEDNEDKAR, Age : Adult, Occ : Service, )  
 ATS Unit, Old Traffic Institute Building, Sir JJ Marg, )  
 Nagpada, Mumbai 400 009. )
- 25) AMOL A. DESHMUKH, Age : Adult, Occ : Service, )  
 Panvel City Police Station, Police Commissionerate, )  
 New Mumbai. )
- 26) ADINATH A. GAWADE, Age : Adult, Occ : Service, )  
 Rabale MIDC Police Station, Navi Mumbai. )
- 27) BAPURAO N.GAWADE, Age : Adult, Occ. Service, )  
 Koparkhairane Police Station, Navi Mumbai. )
- 28) GAJANAN M. GHADGE, Age : Adult, Occ : Service, )  
 Khandeshwar Police Station, Khanda Colony, Panvel, )  
 Navi Mumbai. )
- 29) RAJENDRA P. GUNJAL, Age : Adult, Occ : Service, )  
 Vashi Police Station, Sector 1, near MGM Hospital, )  
 Vashi, Navi Mumbai. )
- 30) PRATAPRAO T. KADAM, Age : Adult, Occ : Service, )  
 Crime Branch Unit No.3, Roadpali-Kalamboli, )  
 Headquarters Navi Mumbai, Navi Mumbai. )

- 31) ULHAS G. KADAM, Age : Adult, Occ : Service, Turbhe )  
MIDC Police Station, Turbhe, Navi Mumbai. )
- 32) SANTOSH R. MUTKULE, Age : Adult, Occ : Service, )  
Control Room, Roadpali-Kalamboli Police )  
Headquarters, Navi Mumbai, Navi Mumbai. )
- 33) DADABHAU SAHEBRAO, Age : Adult, Occ : Service, )  
Koparkhairane Police Station, Navi Mumbai. )
- 34) SHILPA D. PAWAR, Age : Adult, Occ : Service, Special )  
Branch I Office, office of the Commissioner of Police, )  
Navi Mumbai. )
- 35) ASHOK S. PHALLE, Age : Adult, Occ : Service, NRI )  
Police Station, near Navi Mumbai Mahanagar Palika, )  
Killagaon,Belapur, Navi Mumbai. )
- 36) SUDHAKAR S. YADAV, Age : Adult, Occ : Service, )  
office of the Addl. Deputy Commissioner, SID Kokan )  
Unit, Kokan Bhavan Extension Building, Room )  
No.223, CBD Belapur, Navi Mumbai. )  
)
- 37) DNYANESHWAR S. AVHAD, Age : Adult, Occ : )  
Service, Vartak Nagar Police Station,Vartak )  
Nagar,Thane (W). )
- 38) MANJUSHA A. BHONGLE, Age: Adult, Occ : Service, )  
office of the Commissioner of Police, Thane City, )  
Kalwa Bridge, Thane, Dist. Thane. )
- 39) DURGA N. CHAUDHARI, Age : Adult, Occ : Service, )  
Crime Branch, office of the Commissioner of Police, )  
Thane City, Thane (W). )
- 40) SUBHASH S. CHAVAN, Age : Adult, Occ : Service, )  
office of the Sub Divisional Police Officer, Miraroad )  
Police Station, 2nd floor, Beverly Park, Mira Road (E), )  
Dist. Thane. )

- 41) VAISHALI M. DEVGHARE, (Vaishali U. Gorde), Age : )  
 Adult, Occ : service, SID, Bhiwandicentre, office of )  
 the Asst. Commissioner of the Police Bhiwandi, near )  
 Tahasil office Bhiwandi, Tal. Bhiwandi, Dist. Thane. )
- 42) SACHIN P. GAIKWAD, Age : Adult, Occ : Service, )  
 Special Branch, office of the Commissioner of Police, )  
 Kalwa Naka, Thane City. )
- 43) VIKAS S. LOKRE, Age : Adult, Occ : Service, )  
 Chitalsar Police Station, Dosti Building, in front of R. )  
 Moli Ghodbandar Road, Dist. Thane. )
- 44) SANDIP B. PATIL, Age : Adult, Occ : Service, )  
 Kasarvadavali Police Station, near D Mart, )  
 Ghodabandar Road, Dist. Thane. )
- 45) MOHINI VIJAY SONAR, Age : Adult, Occ : Service, )  
 Special Branch, office of the Commissioner of Police, )  
 Kalwa Naka, Thane. )
- 46) ROHINI VIJAY SONAR, Age:Adult] Occ:Service )  
 Special Branch, Office of the Commissioner of Police, )  
 Kalwa Naka, Thane )
- 47) PRAVIN ASHOK KOLHE, Age : Adult, Occ: Service, )  
 Kasara Police Station, Tal. Shahapur, Dist. Thane. )
- 48) KIRANKUMAR B. BAKALE, Age: Adult, Occ : Service, )  
 ACB Unit, Ragiad, Pimpal Bhat, near Chendhre, Tal. )  
 Dist. Raigad. )
- 49) PRITHVIRAJ A. GHORPADE, Age : Adult, Occ : )  
 Service, Panvel City Police Station, Old Panvel, Sai )  
 Nagar, near Tahesil Office, Tal. Panvel, Dist. Raigad. )  
 )
- 50) SATISH H. JAGDALE, Age : Adult, Occ: service, )  
 Traffic Unit Uran, Tal. Uran, Dist. Raigad. )
- 51) NAVNATH S. JAGTAP, Age : Adult, Occ : Service, )  
 Mangaon Police Station, Tal. Mangaon, Dist. Raigad. )  
 )

- 52) VISWAS R. PATIL, Age : Adult, Occ : Service, Uran )  
Police Station, Tal.Uran, Dist. Raigad (Navi Mumbai.) )  
)
- 53) PRADIP BALASO SURYAWANSHI, Wadkhal Police )  
Station, Tal. Pen, Dist. Raigad. )
- 54) PRAKASH V. DHENDE, Age : Adul, Occ : Service, )  
Nate Police Station, Tal. Rajapur, Dist. Ratnagiri. )  
)
- 55) RAJENDRA S. YADAV, Age: Adult, Occ: Service, )  
Purngad Sagari Police Station, Pawas, Dist. )  
Ratnagiri. )
- 56) SAMBHAJI L. YADAV, Age : Adult, Occ : Service, )  
BankotSagari Police Station, Tal. Mandangad, Dist. )  
Ratnagiri. )
- 57) JAYPRAKASH K. GUTHE, Age: Adult, Occ : Service, )  
Kasa Police Station, Kasa, Tal. Dahanu, Dist. Palghar )
- 58) PRASHANT K. LANGHI, Age : Adult, Occ : Service, )  
LCB Vasai Unit, Nalasopara Police Station, )  
Nalasopara (W), Dist. Palghar. )
- 59) YOGESH S. AVHAD, Age : Adult, Occ : Service, )  
Nigadi Police Station, Sector 24, Nigadi Pradhikaran, )  
Pune. )
- 60) DEVENDRA P. CHAVAN, Age : Adult, Occ : Service, )  
Nigadi Police Station, Sector 24,Nigadi Pradhikaran, )  
Pune. )
- 61) SANGITA S. DEOKATE, Age : Adult, Occ : Service, )  
PCR, Pune Rural Police Headquarter, Chavan Nagar, )  
Pashan Road, Pune 411008. )
- 62) SEEMA S. DISALE/GAIKWAD, Age: Adult, Occ : )  
Service, CID Pune, Pashan Road, near Modern )  
College, Pune 411008. )

- 63) SAVITA B. GHANVAT, Age : Adult, Occ : Service, )  
Office of the Supdt. of Railway Police, Old CID Office, )  
Near Sangam Birdge, Shivaji Nagar, Pune. )  
)
- 64) SANTOSH S. GHOLVE, Age: Adult, Occ : Service, )  
Wakad Police Station, Datta Mandir Road, Wakad, )  
Pune. )
- 65) VINOD U. GHOLAVE, Age : Adult, Occ : Service, )  
Dehuroad Police Station, Tal. Haveli, Dist. Pune. )
- 66) CHANDRASHEKAR P. HADAKE, Age: Adult, Occ: )  
Service, CID Pune, Pashan Road, Near Modern )  
College, Pune 411 008. )
- 67) ASHWINI M. JAGTAP, Age: Adult, Occ : Service, ATS )  
Unit Pune, Headquarters, Pune City Police, )  
Shivajinagar, Pune. )
- 68) MANGESH N. JAGTAP, Age : Adult, Occ : Service, )  
LCB Pune Railway, Kumar Garim Building, 4th floor, )  
near Panchratna Hotel, Tadiwala Road, Pune. )  
)
- 69) NILKANTH R. JAGTAP, Age : Adult, Occ : Service, )  
LCB, office of the Supdt. of Police, Pune (Rural), )  
Pashan Road, Dist. Pune. )
- 70) VARSHA S. JARAG-DESHMUKH, Age : Adult, Occ : )  
Service, CID Pune, Pashan Road, near Modern )  
College, Pune 411 008. )
- 71) VARSHA S. KALE/CHOUDHARY, Age : Adult, Occ : )  
service, CID Pune, Pashan Road, near Modern )  
College, Pune 411 008. )
- 72) CHHAGAN S. KAPSE, Age : Adult, Occ : Service, )  
Control Room, office of the Commissioner of Police, )  
Pune Saduwasvani Road, near GPO, Pune 411 001. )

- 73) VISHNU D. KESARKAR, Age : Adult, Occ : Service, )  
 Khadak Police Station, Shivaji Road, Shukrawarpeth, )  
 Pune 411002. )
- 74) ANITA P. RASKAR/KHEDKAR, Age : Adult, Occ : )  
 Service, Mundhwa Police Station, Mundhwa Pune )  
 City - 36. )
- 75) MARUTI B. KHEDKAR, Age : Adult, Occ : Service, )  
 Alephata Police Station, Dist. Pune. )
- 76) SANTOSH E. KHETMALAS, Age : Adult, Occ : Service, )  
 Koregaon Park, Traffic Division, near Circuit House, )  
 Queens Garden, Bund Garden, Pune. )
- 77) NITA C. MISAL, Age : Adult, Occ : Service, Cyber )  
 Crime Cell, Crime Branch, office of the Commissioner )  
 of Police, Pune City, Sadhu Wasavani Chowk, near )  
 GPO, Camp Pune. )
- 78) DEVISHREE G. MOHITE, Age : Adult, Occ : Service, )  
 PCR, Pune Rural Police Headquarter, Chavan Nagar, )  
 Pashan Road,Pune 411 008. )
- 79) RUNAL S. MULLA, Age : Adult, Occ : service, CID )  
 Pune, Pashan Road, near Modern College,Pune 411 )  
 008. )
- 80) GIRISHA A. NIMBALKAR, Age : Adult, Occ : service, )  
 CID Pune, Pashan Road, near Modern College,Pune )  
 411 008. )
- 81) SURAJ D. PATIL, Age : Adult, Occ : service, )  
 Vishrambag Traffic Office, behind Dagaduseth )  
 Mandir, Pune. )
- 82) SUVARNA KISAN PATOLE  
 Age: Adult, Occ.: Service  
 Haveli Police Station, Sinhgad road, Near Abhiruchi  
 Mall , Dist.- PUNE

- 83) VINOD VISHNU PATIL  
Age: Adult, Occ.: Service  
ATS Unit Pune, Headquarters Pune City Police,  
Shivajinagar, Pune
- 84) VIJAYMALA MAHADEO PAWAR  
Age: Adult, Occ.: Service  
Special Branch II Office, Office of the Commissioner  
of Police Pune city, Sadhu Wasvani road PUNE.
- 85) JYOTI SANJAY RAJESHIRKE  
Age: Adult, Occ.: Service  
Mahavitaran Police Station, MSEDCL Power house,  
Rasatapeth , Pune 411 011.
- 86) KAILAS NAMDEO RAUT  
Age: Adult, Occ.: Service  
Hinjawadi Traffic Division Office, Traffic Branch  
Pune City, Pune 411 057
- 87) SUNITA SUNIL ROKDE-SALUNKHE  
Age: Adult, Occ.: Service  
Office of the Supdt. of Police Pune (Rural), Pune.
- 88) SWAPNALI CHANDRAKANT SHINDE  
Age: Adult, Occ.: Service  
Cyber Crime Cell, Crime Branch, Office of the  
Commissioner of police Pune city, Sadhu Wasavani  
Chowk, Near GPO, Camp Pune
- 89) SEEMA RAJARAM SURVE  
CID Pune, Pashan road, Near MorZden College,  
Pune 411 008
- 90) MADHUKAR SADASHIV THORAT  
Age: Adult, Occ.: Service  
Yerwada Police Station, Near Shashtrinagar chowk,  
Yerwada  
PUNE CITY 411 006.

- 91) ASHALATA GANESH WALIMBE/KHAPRE  
Age: Adult, Occ.: Service  
CID Pune, Pashan road, Near Morden College, Pune  
411 008.
- 92) TUSHAR MURLIDHAR ADHAOO  
Age: Adult, Occ.: Service  
Cyber Police Station, Office of the Supdt. Of Police,  
Near Vasanttrao Pawar Medical College, Adgaon,  
Nashik.
- 93) ATUL KESHAORAO DAHAKE  
Age: Adult, Occ.: Service  
Cyber Police Station, Nashik City,  
Dist-Nashik.
- 94) VITTHAL SUBHASHRAO POTE  
Age: Adult, Occ.: Service  
Devalali Camp Police Station, NASHIK.
- 95) TUKARAM RAGHUNATH NALAWADE  
Age: Adult, Occ.: Service  
QRT, Office of the Commissioner of Police Nashik  
City, Nashik.
- 96) DEVYANI SHAMRAO PATIL  
Age: Adult, Occ.: Service  
SID Nashik Ghatak, Senhbandhan Park, Police  
Colony, Sharnpur road,  
NASHIK 422 202.
- 97) KETAN KASHINATH RATHOD  
Age: Adult, Occ.: Service  
Mumbai Naka Police station, Mumbai Naka, Nashik  
422 011.
- 98) VALMIK DNYANESHWAR SHARDUL  
Age: Adult, Occ.: Service  
Mhasrul Police Station, Dindori road, Nashik City  
422 003

- 99) SANJAY KRISHNAKANT TANDULWADKAR  
Age: Adult, Occ.: Service  
Reader Branch, Office of the Commissioner of  
Police Nashik City, Gangapur road, near KTHM  
college, NASHIK CITY.
- 100) MAHADEV NARAYAN WAGHMODE  
Age: Adult, Occ.: Service  
ATS Unit Nashik, behind Bhadrakali Police Station,  
Nashik.
- 101) NAGNATH SHANKAR AYALANE  
Age: Adult, Occ.: Service  
Jail Road Police Station, Tal. - Dist. Solapur.
- 102) SHARMILA SHIVAJI SUTAR  
Age: Adult, Occ.: Service  
Pashan Road, Near Modern College, Pune 411 008
- 103) ABHISHEK RAMCHANDRA DAKE  
Age: Adult, Occ.: Service  
Mangalwedha Police Station, Dist- Solapur.
- 104) CHANDRASHEKHAR MOHANRAO YADAV  
Age: Adult, Occ.: Service,  
Office of the Supdt. of Police, Solapur rural,  
Collector Office Compound, Dist.-SOLAPUR 413 001.
- 105) SAMADHAN KISAN CHAVARE  
Age: Adult, Occ.: Service  
Satara City Police Station, Tal.-Dist.-Satara.
- 106) SAMBHAJI ABHIMANYU GAIKAWAD  
Age: Adult, Occ.: Service  
Pusegaon Police Station, Tal.-Khatav,Dist.-Satara.
- 107) SMITA DHANRAJ WASNIK  
Age: Adult, Occ.: Service  
Office of the Supdt. of Police, Satara,  
Dist.-SATARA.

- 108) SAMBHAJI BHIVA DONGALE  
Age: Adult, Occ.: Service  
Office of the Supdt. of Police, CID Kolhapur Range,  
above City Survey Office, Near Shanivarpeth Post  
Office, Bhausingji Road, Kolhapur- 416 008
- 109) PUSHPALATA SAMPATRAO MANDALE  
Age: Adult, Occ.: Service  
Karveer Police Station  
Dist.-Kholhapur.
- 110) RIZWANA GULAB NADAF  
Age: Adult, Occ.: Service  
Nesari Police Station, Tal.- Gadhingalaj  
Dsit.- Kolhapur.
- 111) SANJEEVKUMAR DATTATRAY ZADE  
Age: Adult, Occ.: Service,  
Shahapur Police Station, Tal.-Ichalkarnji, Dist.-  
KOLHAPUR 416 146.
- 112) KIRAN BAJIRAO SHINDE  
Age: Adult, Occ.: Service  
Sonai Police Station, Tal.-Nevasa  
Dist.-AHMEDNAGAR.
- 113) KISHORKUMARBHILASING PARDESHI  
Age: Adult, Occ.: Service  
Nagar Taluka Police Station, Police line Bhingar,  
Tal.-Dist.- Ahmednagar.
- 114) SUNIL HANSARAJ PAWAR  
Age: Adult, Occ.: Service  
Shirdi Traffic Branch Office, Tal.-Rahata Dist.-  
AHMADNAGAR.
- 115) SEEMA MANOHAR DATALKAR  
Age: Adult, Occ.: Service  
City Kotwali Police station, Kotwali Chowk, Gandhi  
Road , Akola.
- 116) BHUSHAN RAMRAO GAWANDE  
Age: Adult, Occ.: Service  
Police Training Centre, Akola, Dist-Akola

- 117) BHAURAO PUNDLIKRAO GHUGE  
Age: Adult, Occ.: Service  
Mana police Station, TAL.- Murtiapur  
Dist.- Akola
- 118) GORAKHNATH RAMNATH JADHAV  
Age: Adult, Occ.: Service  
Police Training Centre, Akola, Dist-Akola
- 119) PITAMBER SOWHALAL JADHAO  
Age: Adult, Occ.: Service  
Police Training Centre, Akola, Dist-Akola
- 120) SHANTIKUMAR RAOSAHEB PATIL  
Age: Adult, Occ.: Service  
Benoda Police Station, Tal.- Warud  
Dist.- AMARAVATI 444 906
- 121) VINOD JAGANNATH CHAUDHARI  
Age: Adult, Occ.: Service  
Office of the Supdt. of Police, Aurangabad(Rural),  
Dist.- Aurangabad.
- 122) RAHUL BABASAHEB GAIKAWAD  
Age: Adult, Occ.: Service  
Special Protection Unit, Office of the Commissioner  
of Police Aurangabad, Mill corner, Dist.-  
Aurangabad.
- 123) MANISHA UDAY RATHOD /  
MANISHA ASHISH KULKARNI  
Age: Adult, Occ.: Service  
Aurangabad Railway Police Station,  
Dist.- Aurangabad.
- 124) DILIP MAHADEO SABLE  
Age: Adult, Occ.: Service  
Aurangabad Railway Police Station,  
Dist.- Aurangabad.
- 125) HAMID CHAND SHAIKH  
Age: Adult, Occ.: Service  
Kannad Rural Police Station, Tal. -Kannad Dist.-  
AURANGABAD

- 126) BHAGWAN KASHIRAM WADATKAR  
Age: Adult, Occ.: Service  
Special Protection Unit, Building No. 39,  
Aurangabad rural Police Headquarters, TV Centre,  
Dist.-Aurangabad 431 002.
- 127) SHIVAJI BHIMRAO KADAM  
Age: Adult, Occ.: Service  
Office of the Supdt. of Police ,Bhandara, Dist.-  
BHANDARA.
- 128) RAVI SHRIHARI SANAP  
Age: Adult, Occ.: Service  
LCB, Office of the Supdt. of Police, Beed
- 129) LATA SITARAMJI WADIVE  
Age: Adult, Occ.: Service  
Scheduled Tribe Certificate Scrutiny Committee Office,  
near RTO Office, Chandrapur, Dist.- CHANDRAPUR.
- 130) KIRANKUMAR BHIMRAO KHEDKAR  
Age: Adult, Occ.: Service  
Sirpur Taluka Police Station, Sangvi,  
Tal.-Sirpur, Dist.- Dhule.
- 131) UMESH NANAJI PATIL  
Age: Adult, Occ.: Service  
SID Centre Dhule, Phashi Pull, Swayamprabha  
building, Dist.-DHULE 424 001.
- 132) RAHULKUMAR DATTATRAY PAWAR  
Age: Adult, Occ.: Service  
Office of the Asst. Commissioner SID Centre Dhule,  
near Fasipul ,Swayanprabha building, Police  
Headquarters Dhule, Dist.- DHULE.
- 133) JITENDRA BHIMRAO SAPKALE  
Age: Adult, Occ.: Service  
Chalisingaon Road Police Station  
Tal.-Dist.-DHULE.

- 134) SAMADHAN DATTATRAYA CHAVAN  
Age: Adult, Occ.: Service  
SID,ANOGadchiroli, Dist.- Gadchiroli.
- 135) KRISHNA TIKARAM KOKNI  
Age: Adult, Occ.: Service  
District Cast Validity Committee, Social Welfare  
Office, Gondia , Dist.- Gondia.
- 136) RAJAN SHANKARRAO JAGDALE  
Age: Adult, Occ.: Service  
SID Centre Jalna, Samarth Complex,  
Dsit.-Jalana.
- 137) RANGNATH TRIMBAK DHARBALE  
Age: Adult, Occ.: Service  
Nasirabad Police Station, Tal.-Dist.-Jalgaon.
- 138) DATTATRAYA YUVRAJ NIKAM  
Age: Adult, Occ.: Service  
Faizpur Police Station, Tal.- Yaval, Dist.- Jalgaon
- 139) GAJENDRA RAGHUNATH PATIL  
Age: Adult, Occ.: Service  
Raver Police Station, Tel.- Raver  
Dist.- JALGAON.
- 140) RAHULKUMAR ARUN PATIL  
Age: Adult, Occ.: Service  
Reader Branch, Office of the Supdt. of Police,  
Jalgaon, Dist.-JALGAON,
- 141) SANDIP UTTAMRAO PATIL  
Age: Adult, Occ.: Service  
Pimpalgaon Hare Police Station,  
Tal.-Pachora , Dist.-JALGAON.
- 142) SACHIN SITARAM SANAP  
Age: Adult, Occ.: Service  
Pachora Police Station, Tal.- Pachora  
Dist.-JALGAON.

- 143) ROHINI LAXAMNRAO POTDAR  
Age: Adult, Occ.: Service  
Police Training Centre, Babhalgaon  
Dist.-LATUR.
- 144) BABITA SUDHAKAR WAKADKAR  
Age: Adult, Occ.: Service  
Police Training Centre, Babhalgaon  
Dist.-LATUR.
- 145) PRATAPRAO VINAYAKRAO BHOSLE  
Age: Adult, Occ.: Service  
Traffic Branch No.4, Near Tukadoji Chowk,  
Vishwakarma Nagar, Nagpur 440027.
- 146) SHUBHANGI AMIT DESHMUKH  
Age: Adult, Occ.: Service  
ACB Unit, Administrative Building No.1, Near  
Udhyog Bhavan, Civil line Nagpur.
- 147) SUNANDA ESTARJI DESHMUKH  
Age: Adult, Occ.: Service  
SID Nagpur Unit, Divisional Commissioner Office,  
DagadiImarat, NAGAPUR.
- 148) SARIN EKANATHRAO DURGE  
Age: Adult, Occ.: Service  
Office of the Deputy Commissioner of Traffic Police,  
Near Swagat Lawns, Near Civil Lines, NAGPUR  
CITY.
- 149) VILAS VISHWAMBHARRAO GOBADE  
Age: Adult, Occ.: Service  
Office of the DIG Gadchiroli Camp Nagpur,  
Administrative building No.1, Civil line Nagpur.
- 150) ARVIND NAGARMALJI MAHARSHI  
Age: Adult, Occ.: Service  
BDDS Unit, Headquarters Nagpur City Police,  
Police Line Takali , NAGPUR.
- 151) AJAY KESHAORAO MANKAR  
Age: Adult, Occ.: Service  
Scheduled Tribe Certificate Scrutiny Committee

Office, Adivasi VikasBhavan, Opposite RTO Office,  
Amaravati road, Giripeth, Nagpur 440 010.

- 152) PRADIP VASANT PULLARWAR  
Age: Adult, Occ.: Service  
BDDS Unit, Headquarters Nagpur City Police,  
Police Line Takali , NAGPUR.
- 153) ANIRUDDHA RAMESH PURI  
Age: Adult, Occ.: Service  
Police Training Centre, Surendra Nagar NAGPUR.
- 154) PRADEEP JAKAPPA RAYANNAVAR  
Age: Adult, Occ.: Service  
Kotwali Police Station, Tilak road, Mahal Chowk.  
NAGPUR CITY 440 032.
- 155) AMRAPALI TRIMBAK TAYDE  
Age: Adult, Occ.: Service  
Office of the DIG Gadchiroli Camp Nagpur,  
Administrative building No.1, Civil line Nagpur.
- 156) SANTOSH ASHOK PATIL  
Age: Adult, Occ.: Service  
Osman Nagar Police Station, Tal.-Kandhar Dist.-  
NANDED.
- 157) SUNITA MANAJI SHINDE  
Age: Adult, Occ.: Service  
ACB Unit, Snehanagar Police Colony, NANDED.
- 158) BRAMHA SANTARAM GIRI  
Age: Adult, Occ.: Service  
SID Nanded Unit, Dist.-NANDED.
- 159) DHANAJAY VIKRAMRAO PATIL  
Age: Adult, Occ.: Service  
Visarwadi Police Station, Tal.-Nawapur Dist.-  
NANDURBAR.

- 160) SANGITA SHANKAR PATIL  
Age: Adult, Occ.: Service  
ACB Unit, Jaychand Nagar Plot No.4, Near  
KoritNaka ,Dist.- NANDURBAR.
- 161) SAMBHAJI BAPURAO PAWAR  
Age: Adult, Occ.: Service  
Osmanabad Rural Police Station, Singoli, Tal.-  
Dist.-OSMANABAD
- 162) NITIN AJABRAO CHINCHOLKAR  
Age: Adult, Occ.: Service  
Nanalpeth Police station,  
Tal.-Dist.-Parbhani.
- 163) SONALI DNYANESHWAR GULHANE  
Age: Adult, Occ.: Service  
Dhanaj Police Station, Tal.-Karanja Lad Dist.-  
WASIM.
- 164) AJAY HEMRAJ BHUSARI  
Age: Adult, Occ.: Service  
Ner Police Station, Tal.- Ner  
Dist.- YAVATMAL.
- 165) RITA LAXMAN UIKE  
Age: Adult, Occ.: Service  
Darvha Police Station, Dist.-YAVATAMAL.
- 166) DATTATTRAY BAPU KAMBLE  
Age: Adult, Occ.: Service  
Office of the Asst. Commissioner of Police ,Kalyan,  
Near BSNL Office, Kalyan(E), Thane.
- 167) PRADIP MURLIDHAR PATIL  
Age: Adult, Occ.: Service  
Office of teh Sub Divisional Police Officer,  
Khamgaon, Dist.-BULDHANA 444 303.

- 168) RAMDAS TUKARAM KOKARE  
Age: Adult, Occ.: Service  
Municipal Council Office, Karjat,  
Tal.-Karjat, Dist.-Raigad.
- 169) SAMEER PRAMVEER MANE  
Age: Adult, Occ.: Service  
Tehasil Office Nagbhid, Tal.-Nagbhid  
Dist.-Nanded.
- 170) SUHAS DINKAR THORAT  
Age: Adult, Occ.: Service  
Sub Divisional Office , Sub Division Khed, Dist.-  
RATNAGIRI.
- 171) MINAL RAJARAM BHAMARE  
Age: Adult, Occ.: Service  
Tahasil Office Karad, Karve Road, Market Yard,  
Tal.-Karad, Dist- Satara.
- 172) VARSHA VISHWANATH MANALE  
Age: Adult, Occ.: Service  
Tahasil Office Ausa, Tal.- Ausa  
Dist.- Latur.
- 173) DEOSING GAIKWAD PRAKASH  
Age: Adult, Occ.: Service  
Tahasil Office, Parbhani City,  
District – Parbhani – 431 401.
- 174) PANKAJ SHIVDAS PAWAR  
Age: Adult, Occ.: Service  
Deputy Supdt. of Land Record Office, Old Collector  
Office Campus, near CTSO Office, Dist.- DHULE.
- 175) SHAILESH MANOHAR SATHE  
Age: Adult, Occ.: Service  
Office of the Deputy Supdt. of Land Records,  
Central Administrative building, Kopargaon, Yeola ,  
Dist.- Nashik 423 401.

- 176) ARVIND ARUN DONGARDIVE  
Age: Adult, Occ.: Service  
Office of the Asst. Commissioner of State Tax, Nodel  
4, GST Bhavan, Majhagao , Mumbai.
- 177) SHRIRAM NAMDEV BAJBALE  
Age: Adult, Occ.: Service  
GST Bhavan, Opp. Kinara Hotel, Hotgi Road,  
Taluka & District – Solapur.
- 178) AJAY RUMAL KHARDE  
Age: Adult, Occ.: Service  
CGST and Central Excise Office, Administrative  
area, Ujjain, Dist- Ujjain  
MP 456 010.

**Versus**

1. The State of Maharashtra, )  
Through the Chief Secretary, )  
Mantralaya, Mumbai 400 032. )
2. The Additional Secretary. )  
Finance Department, )  
State of Maharashtra, )  
Mantralaya, Mumbai 400 032. )
3. The Secretary, Home Department, )  
State of Maharashtra, )  
Mantralaya, Mumbai 400 032. )
4. The Director General Of Police, )  
State of Maharashtra, )  
Old Council Hall, Maharashtra, )  
State Police HQ, S. B. Marg, Colaba, )  
Mumbai 400 039. ) **...Respondents**

**Shri S. S. Pakale, learned Sr. Counsel with Smt. Ranjana Todankar,  
learned Advocate for the Applicants.**

**Ms S. P. Manchekar, learned Chief Presenting Officer for the  
Respondents.**

**CORAM : A.P. Kurhekar, Member (J)**

**DATE : 08.05.2023**

**JUDGMENT**

1. The Applicants sought declaration of entitlement to pension in terms of Maharashtra Civil Services (Pension) Rules, 1982, Maharashtra Civil Services (Commutation of Pension) Rules, 1984 , General Provident Scheme and for directions to the Respondents to extend the said benefits to them invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

2. Following are the uncontroverted facts giving rise to this Original Application :-

(A) The Maharashtra Public Service Commission (MPSC), in pursuance of requisition made by the Respondents, published Advertisement/Notification on 01.11.2004 to fill in the post of Police Sub Inspector in the State of Maharashtra (page nos.52 and 62 of PB).

(B) In Notification/Advertisement, there is specific mentioned for applicability of General Provident Fund (GPF) and entitlement to pensionary benefits.

(C) The Applicants participated in the process of recruitment, got selected and MPSC accordingly recommended their names to the Government by their letter dated 22.09.2005 (Page No.97 of PB).

(D) The Applicants were sent for training at Maharashtra Police Academy and accordingly joined training on 01.09.2006.

(E) The Respondent No.4 - Director General of Police issued appointment order on 15.09.2006 (page 108 is one of the appointment order).

(F) The Government issued Notification on 31.10.2005 stating that persons who are appointed in State Government service on or after 01.11.2005 will be governed by Defined Contribution Pension Scheme (DCPS) in place of Maharashtra Civil Services (Pension) Rules, 1982 (Old Pension Scheme).

(G) The Applicants through their Counsel issued legal notice dated 26.04.2016 to the Respondents for applicability of Old Pension Scheme to them (Page no.152 of PB) and thereafter also made representation for applicability of Old Pension Scheme but it is not responded.

3. It is on the above background, the Applicants have filed present Original Application for applicability of Old Pension Scheme. The Applicants initially challenged the legality of Notification dated 31.10.2005 but during the pendency of O.A. deleted the prayer of challenging legality of Notification dated 31.10.2005. In view of deletion of prayer, the O.A. was assigned to Single Bench for decision on merit since the subject of pension pertains to Single Bench.

4. The Respondents resisted the O.A. *inter-alia* denying the entitlement of the Applicants to Old Pension Scheme contending that since the Applicants were appointed after cut off date i.e. 01.11.2005, they are governed by DCPS and not entitled to Old Pension Scheme.

5. Shri S. S. Pakale, learned Counsel for the Applicants vehemently urged that since the entire process of recruitment including selection of the Applicants was completed before cut-off date, they are entitled to Old Pension Scheme. Apart, he emphasized that in Notification/Advertisement, there is specific stipulation that the posts are pensionable, it amounts to commitment and promise in pursuance of

which the Applicant applied and, therefore, the Respondents now cannot turn down and disown the liability to extend the benefits of Old Pension Scheme to them. He urged that it is on the basis of commitment made by the Respondents in the Notification, the Applicants participated in the process and, therefore, subsequent changed in terms of applicability of DCPS for those who are appointed on or after 01.05.2005 would not affect their entitlement to Old Pension Scheme. Thus, according to him, the Respondents are now estopped from denying the benefit of Old Pension Scheme and principle of promissory estoppel is squarely attracted. In this behalf, he heavily relied on the decision rendered by this Tribunal in **O.A.No.235/2022 (Rajendra P. Patil V/s State of Maharashtra)**, decided on 06.04.2023 where in similar situation, in view of commitment of pension in Notification, they were granted benefit of Old Pension Scheme. The Tribunal quashed and set aside the communication whereby their claim for Old Pension Scheme was rejected.

6. Whereas Ms S. P. Manchekar, learned Chief Presenting Officer urged that even if, the process of selection through MPSC got over before cut-off date, the appointment order being after cut-off date, the claim of Old Pension Scheme is unsustainable since they are governed by DCPS in view of Notification dated 31.10.2005. She has pointed out that in terms of Notification dated 31.10.2005, the candidates who are recruited on or after 01.11.2005 will be governed by DCPS in place of Old Pension Scheme. In this behalf, reliance is placed on the decision of the Hon'ble High Court Bench Aurangabad in **Petition No.1016/2022 [Ganesh Sable Vs. State of Maharashtra] decided with Writ Petition No.1247/2022 on 20.07.2022**. In that case, though the recruitment process was initiated and completed before the cut-off date, their appointment order being issued after cut-off of date, their claim for Old Pension Scheme was dismissed. Learned C.P.O. further placed reliance on **AIR 1967 S.C. 1889 (Roshanlal Tandan V/s Union of India)**, wherein it has been held that legal relationship between the Government

and servant is much more than contractual relationship and legal relationship is something in the nature of status. The Hon'ble Supreme Court held that emolument of Government servant and his terms of services are governed by statute which may be unilaterally altered by the Government without consent of employees.

7. In view of submission advanced, the issue posed for consideration is whether in view of specific commitment in the Notification about applicability of General Provident Fund and Old Pension Scheme, the Applicants are entitled to Old Pension Scheme instead of DCPS.

8. There is no denying that in Notification referred to above, there is specific averment that the post would be pensionable and General Provident Fund scheme is applicable. This is very crucial factor to be borne in mind. Indeed, this Tribunal in O.A.No.235/2022 which is arising from similar situation has dealt with this aspect and in view of commitment made in the Advertisement, the Applicants were declared entitled to Old Pension Scheme. While deciding O.A.No.235/2022, the Tribunal dealt with the principles of promissory estoppel as well as legitimate expectations in the light of the decision of the Hon'ble Supreme Court. The Tribunal recorded the findings that once in Advertisement, commitment is made that the posts are pensionable and relying upon it, if the candidates participated in the recruitment process, they would be entitled to Old Pension Scheme and Government cannot be allowed to turn around and disown their commitment on the ground that DCPS is made applicable w.e.f. 01.01.2005. It would be appropriate to reproduce para nos.15, 16, 17, 18, 19, 20, 21 and 22 from the decision of O.A. No.235/2022 which are as under :-

"16. In this behalf, learned Advocate for the Applicants rightly referred to the decision of Hon'ble Supreme Court in **(1979) 2 SCC 409 [M/s. Motilal Padampat Sugar Mills V/s. State of Uttar Pradesh & Ors.]**. In Para Nos.23 and 24, Hon'ble Supreme Court held as under :-

**"23.** *It was also contended on behalf of the Government that if the Government were held bound by every representation made by it regarding its intention, when the exporters have acted in the manner they were invited to act, the result would be that the Government would be bound by a contractual obligation even though no formal contract in the manner required by Article 299 was executed. But this*

contention was negated and it was pointed out by this Court that the respondents "are not seeking to enforce any contractual right: they are seeking to enforce compliance with the obligation which is laid upon the Textile Commissioner by the terms of the Scheme, and we are of the view that even if the Scheme is executive in character, the respondents who were aggrieved because of the failure to carry out the terms of the Scheme were entitled to seek resort to the Court and claim that the obligation imposed upon the Textile Commissioner by the Scheme be ordered to be carried out". It was thus laid down that a party who has, acting in reliance on a promise made by the Government, altered his position, is entitled to enforce the promise against the Government, even though the promise is not in the form of a formal contract as required by [Article 299](#) and that Article does not militate against the applicability of the doctrine of promissory estoppel against the Government.

This Court finally, after referring to the decision in the **Ganges Manufacturing Co. v. Surujmull (supra)**, **The Municipal Corporation of the City of Bombay v. The Secretary of State for India (supra)** and **Collector of Bombay v. Municipal Corporation of the City of Bombay & Ors. (supra)**, summed up the position as follows :

*"Under our jurisprudence the Government is not exempt from liability to carry out the representation made by it as to its future conduct and it cannot on some undefined and undisclosed ground of necessity or expediency fail to carry out the promise solemnly made by it, nor claim to be the Judge of its own obligation to the citizen on an ex parte appraisalment of the circumstances in which the obligation has arisen."*

The law may, therefore, now be taken to be settled as a result of this decision that where the Government makes a promise knowing or intending that it would be acted on by the promisee and, in fact, the promisee, acting in reliance on it, alters his position, the Government would be held bound by the promise and the promise would be enforceable against the Government at the instance of the promisee, notwithstanding that there is no consideration for the promise and the promise is not recorded in the form of a formal contract as required by Article 299 of the Constitution. It is elementary that in a Republic governed by the rule of law, no one, howsoever high or low, is above the law. Everyone is subject to the law as fully and completely as any other and the Government is no exception. It is indeed the pride of constitutional democracy and rule of law that the Government stands on the same footing as a private individual so far as the obligation of the law is concerned: the former is equally bound as the latter. It is indeed difficult to see on what principle can a Government, committed to the rule of law, claim immunity from the doctrine of promissory estoppel. Can the Government say that it is under no obligation to act in a manner that is fair and just or that it is not bound by considerations of "honesty and good faith"? Why should the Government not be held to a high "standard of rectangular rectitude while dealing with its citizens"? There was a time when the doctrine of executive necessity was regarded as sufficient justification for the Government to repudiate even its contractual obligations, but let it be said to the eternal glory of this Court, this doctrine was emphatically negated in the Indo-Afghan Agencies case and the supremacy of the rule of law was established. It was laid down by this Court that the Government cannot claim to be immune from the applicability of the rule of promissory estoppel and repudiate a promise made by it on the ground that such promise may fetter its future executive action. If the Government does not want its freedom of executive action to be hampered or restricted, the Government need not make a promise knowing or intending that it would be acted on by the promisee and the promisee would alter his position relying upon it. But if the Government makes such a promise and the promisee acts in reliance upon it and alters his position, there is no reason why the Government should not be compelled to make good such promise like any other private individual."

17. The Applicants have also legitimate expectation of getting pensionary benefits in terms of commitment made by Respondents in the Advertisement. Such legal expectation may arise either from representation or from promise made by the authority. The concept of legitimate expectation is recognized by the Courts from time to time. Indeed, in the present case, it is not a case of mere legitimate expectation, but it is on better/stronger footing in view of clear promise made in the Notification that the posts are pensionable. It is on the basis of this promise given by the Respondents, the Applicants participated in the process. Otherwise, perhaps, they might not have participated if known that the posts are not pensionable in terms of old pension scheme. Thus, where a person acted upon the promise given by the Government, later cannot be allowed to turn around and to act in a manner prejudicial to the person to whom promise is made.

18. Shri M.V. Thorat, learned Advocate for the Applicants further rightly referred to **(2010) 13 SCC 467 [State of Bihar & Ors. Vs. Mithilesh Kumar]** wherein Hon'ble Supreme Court held that though person may not acquire an indefeasible right to appoint merely on the basis of selection, but where appointment is negated by change of policy after selection process had begun, it is impermissible and unsustainable. In Para No.20, Hon'ble Supreme Court held as under :-

*"20. The decisions which have been cited on behalf of the Respondent have clearly explained the law with regard to the applicability of the Rules which are amended and/or altered during the selection process. They all say in one voice that the norms or Rules as existing on the date when the process of selection begins will control such selection and any alteration to such norms would not affect the continuing process, unless specifically the same were given retrospective effect."*

19. The learned Advocate for the Applicant further made reference to **(1998) 9 SCC 223 [B.L. Gupta & Anr. Vs. M.C.D.]** to substantiate that the vacancies are required to be filled-in as per the then existing rules prevailing at the time of vacancies and further vacancies arise after cut-off date will have to be filled as per amended Rules.

20. He further referred to **(2008) 1 SCC 36 [B. Ramakichenin @ Balagandhi Vs Union of India & Ors.]** wherein in the matter of short listing, Hon'ble Supreme Court held that once criteria is notified in the Advertisement, it must be adhered to and deviation at later stage is not permissible."

21. Thus, in view of judicial principles and ratio laid down in the aforesaid authorities, once Respondents made unequivocal and unambiguous promise in the Notification that the posts are pensionable, it amounts to express promise and Respondents later cannot be allowed to turn around and to act in a manner which is prejudicial to the Applicants and amount to infringement of their rights and legitimate expectation. Doctrine of promissory estoppels is clearly attracted and Respondents are bound to abide it's promise and commitment. True, Applicants were given the benefit of DCP Scheme, but in view of express promise given in the Advertisement, the applicability of DCPS to the Applicants would not come in their way and all that, they have to forego the benefits, if any, received under DCP Scheme.

22. Apart, Applicants' claim for old pension scheme also gets support from letter dated 17.02.2020 issued by Government of India, Department of Pension. Notably, Government of Maharashtra adopted new Defined Contribution Pension Scheme introduced by Government of India through Department of Pension and PW. After the scheme was introduced and implemented, the Government of India had received representations from Government servants who were

appointed on or after 01.11.2005 i.e. cut-off date for Central Government employees on the ground that their appointment was delayed on account of administrative reasons or lapses, and therefore, claimed benefit of old pension scheme. Accordingly, Government of India, Department of Pension and PW by its letter dated 17.02.2020 issued Office Memorandum. Para No.3 of Office Memorandum is material, which is as under :-

**“3.** *From the representations of the Government employees and the references received from Ministries/Departments, it has been observed that in many of the cases referred to this Department, selection process (including written examination, interview and declaration of result) for recruitment had been completed before 01.01.2004 but the employee joined the Government service on or after 01.01.2004. A few illustrations where the selection was finalized before 01.01.2004 but actual joining took place on or after 01.01.2004 are under :-*

- (i) *The result for recruitment was declared before 01.01.2004 but the offer of appointment and actual joining of the Government servant was delayed on account of police verification, medical examination, etc.*
- (ii) *Some of the candidates selected through a common selection process were issued offers of appointments and were also appointed before 01.01.2004 whereas the offers of appointment to other selected candidates were issued on or after 1.1.2004 due to administrative reasons/constraints including pending Court/CAT cases.*
- (iii) *Candidates selected before 01.01.2004 through a common competitive examination were allocated to different Departments/organization. While recruitment process was completed by some Department(s)/organizations on or before 31.12.2003 in respect of one or more candidates, the offers of appointment to the candidates allocated to the other Departments/organization were issued on or after 01.01.2004.*
- (iv) *Offers of appointment to selected candidates were made before 01.01.2004 with a direction to join on or after 01.01.2004.*
- (v) *Offers of appointment were issued to selected candidates before 01.01.2004 and many/most candidates joined service before 01.01.2004. However, some candidate(s) were allowed extension of joining time and they joined service on or after 01.01.2004. However, their seniority was either unaffected or was depressed in the same batch or to a subsequent batch, the result for which subsequent batch was declared before 01.01.2004.*
- (vi) *The result for recruitment was declared before 01.01.2004 but one or more candidates were declared disqualified on the grounds of medical fitness or verification of character and antecedents, caste or income certificates. Subsequently, on review, they were found fit for appointment and were issued offers of appointment on or after 01.01.2004.*

*In all the above illustrative cases, since the result for recruitment was declared before 01.01.2004, denial of benefit of pension under CCS (Pension) Rules, 1972 to the affected Government servants is not considered justified.”*

9. The Tribunal accordingly allowed O.A.No.235/2022 with declaration that Applicants therein are entitled to the benefit of Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984. In the case in

hand also, I see no reason to take different view. Suffice to say, the Applicants claim to Old Pension Scheme is totally infeasible and this O.A. deserves to be allowed.

10. Furthermore the aforesaid view is fortified in view of recent decision of the Hon'ble Bombay High Court delivered in **W.P. No.2270/2021 (Khilari Rajendra Eknath & Others V/s State of Maharashtra & Others)**, decided on 28th April, 2023 and the issue is now no more *res-integra* that where recruitment process are initiated before the cutoff date, the mere issuance of appointment order after cut-off date would not defeat the claim of Government servant for applicability of Old Pension Scheme. In **W.P. No.2270/2021** (cited supra), the advertisement was issued to fill in 48 posts of Clerks on the establishment of High Court of Bombay (Appellate Side). The written test was conducted on 09.08.2005, typing test was conducted on 29.10.2005 and interviews were taken on 26.11.2005. The select list was published on 07.12.2005 and appointment orders were issued on 28.12.2005. In that case also since the appointments were issued after cut-off date, the petitioners were denied the benefit of Old Pension Scheme and DCPS was made applicable to them. The Petitioners made representation on 24.10.2017 for applicability of Old Pension Scheme which was not responded by the Respondents therein. The Petitioners were continued in service and filed W.P. before the Hon'ble High Court on 30.09.2021. The W.P. was contested by the Government raising the issue of delay and laches on the part of Petitioners and contention was also taken that since appointment orders were issued after cut-off date, the Petitioners are Governed by the DCPS. However, the Hon'ble High Court turned down the defence and allowed the W.P.

11. In respect of delay and laches, the Hon'ble High Court held that pension would accrue to the Petitioners only after they retire from services and, therefore, it is a case of continuous cause of

action. The Hon'ble High Court has also taken note that DCPS of Central Government has undergone the substantial change in view of issuance of office memorandums dated 17.02.2020 and 03.03.2023. The Government of India, Ministry of Personnel, Public Grievances and Pensions issued office memorandum on 17.02.2020 providing one time option to Central Government employees who were declared successful for recruitment and result declared on 31.12.2003 against the vacancies which occurred before 01.01.2004. As such, Central Government has given options to its employees either to Old Pension Scheme in case they have been appointed against the vacancies advertised before cut-off date of DCPS. The Hon'ble High Court accordingly held the petitioner entitled to Old Pension Scheme. It would be apposite to reproduce para 15, 23 and 30 which are as under :-

*"15. Before adverting to the merits of the petition, we first deal with the issue of delay and latches in filing the present petition. No doubt, the Petitioners are appointed in the service of the High Court in December 2005 and raised the issue about applicability of DCPS for the first time by making representation dated 24.10.2017. The present petition has been filed on 30.09.2021. Both High Court, as well as, the State Government have raised the issue on delay and latches contending that the petition has been filed sixteen years after applicability of provisions of DCPS to Petitioners. Petitioners continue to be in service on the date of filing of the petition. Pension would accrue to them only after they retire from service, either on attaining the age of superannuation or after opting for voluntary retirement. The Petitioners' entitlement draw pension is not under dispute. What Petitioners seek is applicability of a particular pension scheme. The manner of payment of pension under the two schemes differ. It is not that the Petitioners have started drawing pension under DCPS. In that view of the matter, cause of action for Petitioners would be continuous one. There is yet another reason why the petition would not suffer from delay or latches. The DCPS of the Central Government (which is adopted by the State Government) has recently undergone changes on 17-02-2020 and 03-03-2023, details of which have been discussed in later portion the judgment. The petition therefore cannot be defeated on the grounds of delay and latches. We therefore repel the objection raised by the High Court administration and the State Government in this regard.*

*23. Thus, so far as employees of the Central Government are concerned, they have been given an option to opt for Old Pension Scheme in case they have been appointed against a post or vacancy advertised for recruitment prior to the date of Notification of DCPS. We have already observed above that, the State Government has adopted the DCPS formulated by the Central Government vide Notifications dated 22.12.2003*

*and 30.12.2003 by way of issuance of the G.R. dated 31.10.2005. The recitals to the G.R. make it amply clear that the State Government has essentially followed the Scheme formulated by the Government of India. Therefore, we see no reason why the State Government should not follow the provisions of Office Memorandum dated 03.03.2023 as well. If the State Government adopts the provisions of the Office Memorandum dated 03.03.2023, petitioners who are appointed against the posts advertised before 01.11.2005 would be governed by the provisions of the Old Pension Scheme. We are therefore of the considered view that since the State Government has adopted the Scheme formulated by the Central Government for Defined Contributory Pension Scheme, the changes effected to the Scheme by the Central Government (based on judicial pronouncements) should also be made applicable to the Officers and employees of the State Government inter alia would consequently apply to the Officers and members of the staff of the High Court as well.*

*30. Resultantly, the Writ Petition succeeds. It is declared that Petitioners shall be governed by the provisions of the Old Pension Scheme in vogue prior to 1.11.2005, as well as General Provident Fund Scheme. Petitioners shall not be governed by the provisions of the Defined Contributory Pension Scheme introduced vide G.R. dated 31.10.2005. The Petitioners' contribution to DCPS be credited to their GPF Accounts. The modalities as suggested in para-8 of the Office Memorandum dated 03.03.2023 issued by the Government of India be adopted while switching over Petitioners from DCPS to Old Pension Scheme."*

12. As such, in view of the decision the Hon'ble High Court in ***Khilari's*** case referred to above the inevitable conclusion would be that Applicants being similarly situated persons are entitled to the benefit of Old Pension Scheme. Indeed, the Applicants claim for applicability of Old Pension Scheme, in fact situation of the matter is on stronger footing in view of specific commitment made by the Respondents in the advertisement that posts are pensionable. The Respondents are, therefore, estopped from denying liability and doctrine of promissory estoppel is squarely attracted.

13. In my humble opinion, the decision referred by the learned C.P.O. in ***Roshanlal Tandan's*** case (cited supra) is of no assistance to the Respondents in view of specific commitment made by the Respondents in the Notification/ Advertisement that the posts are pensionable. In ***Roshanlal Tandan's*** case, the hon'ble Supreme Court held that emolument of Government servant and terms of services can be unilaterally Governed by the

Government without consent of employees since legal relationship between the Government and Government servant is much more than contractual relationship and legal relationship is something in the nature of status. There could be no dispute about the ratio. However, in present case, as stated above there being unambiguous commitment in the advertisement that posts are pensionable, the decision in **Roshanlal Tandan's** case is clearly distinguishable. Similarly, the decision of the Hon'ble High Court in **W.P. No.1016/2022** in **Ganesh Sable's** case (cited supra) is also of no assistance to the Respondents in view of specific commitment in the Notification that the posts are pensionable and recent decision of the Hon'ble High Court in **Khilari's** case (cited supra).

14. The totality of the aforesaid discussion leads me to sum up that the Applicants are entitled to Old Pension Scheme under Maharashtra Civil Services (Pension) Rules, 1982 as well as Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and General Provident Scheme. They are not governed by DCPS. Hence, the following order :-

#### **ORDER**

- (A) The Original Application is allowed.
- (B) The Applicants are declared entitled to the benefits of Maharashtra Civil Services (Pension) Rules 1982 as well as Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and General Provident Scheme
- (C) The Respondents are directed to take necessary steps to open GPF accounts of the Applicants and contribution made by Applicants to DCPS be credited to their GPF accounts and thereafter GPF accounts be continued by deducting stipulated amount from the salary of the Applicants as per modalities of GPF accounts w.e.f. 01.09.2023. The Respondents shall take necessary

steps for opening of new GPF account withing three months from today so that GPF contribution can be deducted from their salary onwards 01.09.2023.

(D) No order as to costs.

Sd/-

**(A.P. Kurhekar)**  
**Member (J)**

Place: Mumbai

Date: 08.05.2023.

Dictation taken by: Vaishali S.Mane

*D:\VSM\VSO\2023\ORder & Judgment\May\Old Pension Scheme\O.A.234 of 2018.doc*