

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1257/2023 (S.B.)**

- 1) Ku. Anjali Namdevrao Dharme,  
@ Sau. Anjali Akhil Bokde,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 1027, R/o. C/o. Police Station Nandanvan,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 2) Sushma Devendra Bele,  
Age : 37 yrs., Occu. : Naik Police Constable,  
B. No. 656, R/o. C/o. Police Station Dhantoli,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 3) Gauri Vasudev Hedau,  
Age : 41 yrs., Occu. : Naik Police Constable,  
B. No. 138, R/o. C/o. Police Station Kapil Nagar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 4) Ku. Savita Narayanrao Piwalatkar @  
(Sau. Savita Pravin Chilkulwar),  
Age : 45 yrs., Occu. : Naik Police Constable,  
B. No. 903, R/o. C/o. Police Station Wathoda,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 5) Ku. Savita Krushnarao Salve,  
@ Sau. Savita Ravindra Dhatrak,  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 295, R/o. C/o. Kamthi Traffic Police,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 6) Ku. Sonu Maroti Ghongade  
@ Sau. Sonu Anil Patil,  
Age : 40 yrs., Occu. : Naik Police Constable,

B. No. 414, R/o. C/o. Police Station Ajni,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 7) Aarti Nandkishor Chauhan,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 590, R/o. C/o. Crime Branch,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 8) Ku. Chanda Kashiram Lanjewar  
@ Sau. Chanda Tapeswar Gotehpode,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 730, R/o. C/o. Police Head Quarter,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 9) Neeta Subhashrao Samritkar,  
Age : 47 yrs., Occu. : Naik Police Constable,  
B. No. 871, R/o. C/o. Police Station Sadar,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 10) Ku. Rashmita Rajesh Jaiswal  
@Sau. Rashmita Nilesh Jaiswal,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 767, R/o. C/o. Special Branch Police,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 11) Ku. Minta Janardhan Deshmukh  
@ Mrs. Minta Tejram Zanzad,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 358, R/o C/o. Police Station Lakadganj,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 12) Vaishali Vasantrao Mohod  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 797, R/o. C/o. Police Head Quarter,  
Police Commissionerate,

Nagpur City, Tal. and Dist. Nagpur.

- 13) Rita Panjabrao Borkar  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 740, R/o. C/o. Ajni Traffic,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 14) Shubhangi Yuvraj Waghmare,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 573, R/o. C/o. Police Station Sonegaon,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 15) Sarita Rambhauji Nagdeote,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 1017, R/o. C/o. Police Station Gittikhadan,  
Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 16) Madhuri Jaigopal Khobragade,  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 314, R/o. C/o. Police Station Kotwali,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 17) Pratibha Dashrath Raut,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 506, R/o. C/o. Sadar Traffic Nagpur City,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 18) Vanita Bhimraoji Junghare,  
Age : 37 yrs., Occu. : Naik Police Constable,  
B. No. 885, R/o. C/o. Police Station Dhantoli,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 19) Ajay Jagraj Singh Thakur,  
Age : 43 yrs., Occu. : Naik Police Constable,  
B. No. 1272, R/o. C/o. Police Station Jaripatka,

Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 20) Devendra Chandrashekhar Sharma,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 1476, R/o. C/o. Police Station Pachpavli,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 21) Mukesh Ramesh Pandey,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 2878, R/o. C/o. Police Head Quarters,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 22) Vinod Laxman Mandhare,  
Age : 41 yrs., Occu. : Assistant Police Inspector,  
R/o. C/o. Police Station Sadar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 23) Atul Manikrao Bharsakle,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 2692, R/o. C/o. Police Station Wathoda,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 24) Pramod Bhauraoji Thorat,  
Age : 48 yrs., Occu. : Naik Police Constable,  
B. No. 1636, R/o. C/o. Police Station Gittkhadan,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 25) Abhishek Avinash Hardas,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 2449, R/o. C/o. Police Station MIDC,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 26) Nitin Pramodrao Khobe,  
Age : 43 yrs., Occu. : Naik Police Constable,

B. No. 2478, R/o. C/o. Police Station Sonegaon,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 27) Samarsingh Vijay Singh Suryavanshi,  
Age : 43 yrs., Occu. : Naik Police Constable,  
B. No. 2484, R/o. C/o. Police Station Hudkeshwar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 28) Bipin Dadarao Wadaskar,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 2274, R/o. C/o. Police Station MIDC,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 29) Vijay Ramkishor Mishra,  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 2329, R/o. C/o. Police Station Sitaburdi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 30) Nanarao Shriram Wanjare,  
Age : 41 yrs., Occu. : Naik Police Constable,  
B. No. 2805, R/o. C/o. Traffic Indora,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 31) Vinod Mordhwaj Dwivedi,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 2789, R/o. C/o. Traffic Indora,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 32) Purushottam Damodhar Raut,  
Age : 44 yrs., Occu. : Naik Police Constable,  
B. No. 2991, R/o. C/o. Police Station Jaripatka,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 33) Nikesh Dharmaraj Hajare,

Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 3003, R/o. C/o. Police Station Lakadganj,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 34) Ashok Shrikrushna Patokar,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 1459, R/o. C/o. Police Station Ural,  
Dist. Akola, Sperintendent of Police Akola.
- 35) Chetan Prabhakar Jadhav,  
Age : 41 yrs., Occu. : Naik Police Constable,  
B. No. 2764, R/o. C/o. Crime Branch,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 36) Rajesh Manoharrao Bahade,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 1797, R/o. C/o. Police Station Wathoda,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 37) Devendra Pandurangji Mathure,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 2017, R/o. C/o. Police Station Pardi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 38) Rajendra Yadavrao Rindhe,  
Age : 55 yrs., Occu. : Naik Police Constable,  
B. No. 2855, R/o. C/o. Police Station Imamwada,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 39) Sheikh Taj Mohammad Abdul Jabbar,  
Age : 57 yrs., Occu. : Naik Police Constable,  
B. No. 3874, R/o. C/o. Police Headquartor,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 40) Rahul Sureshrao Guhe,

Age : 41 yrs., Occu. : Police Sub-Inspector ,  
R/o. C/o. Police Station Yavatmal City,  
Tal. and Dist. Yavatmal.

- 41) Gajanan Bhikuchand Kubde,  
Age : 44 yrs., Occu. : Naik Police Constable,  
B. No. 2682, R/o. C/o. Crime Branch,  
Police Commissionerate Nagpur City,  
Tal. and Dist. Nagpur.
- 42) Sumendra Gendlal Bopche,  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 2502, R/o. C/o. Police Station Beltarodi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 43) Yogesh Shridharrao Bahadure,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 1880, R/o. C/o. Posting MIDC,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 44) Pankaj Deorao Kamble,  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 1550, R/o. C/o. Traffic Sadar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 45) Atul Babanrao Chate,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 2663, R/o. C/o. Crime Branch (Detection),  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 46) Akshay Suresh Sahare,  
Age : 45 yrs., Occu. : Naik Police Constable,  
B. No. 1354, R/o. C/o. Police Station Kapilnagar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 47) Rajan Punamchand Meshram,

Age : 46 yrs., Occu. : Naik Police Constable,  
B. No. 2719, R/o. C/o. Police Station Koradi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 48) Laxmikant Kewalchand Barlinge,  
Age : 47 yrs., Occu. : Naik Police Constable,  
B. No. 1731, R/o. C/o. Police Station Old Kamptee,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 49) Sanjay Gulabrao Wadte,  
Age : 47 yrs., Occu. : Naik Police Constable,  
B. No. 2831, R/o. C/o. Crime Branch,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 50) Nandkishor Narayan Jadhav,  
Age : 42 yrs., Occu. : Police Inspector,  
R/o. C/o. Kalachowky Police Station,  
Police Commissionerate, Mumbai City.
- 51) Dinesh Jagpal Yadav,  
Age : 39 yrs., Occu. : Police Constable,  
B. No. 1572, R/o. C/o. Police Headquarter,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 52) Shrikrushna Vitthalrao Sherki,  
Age : 48 yrs., Occu. : Naik Police Constable,  
B. No. 2943, R/o. C/o. Police Station Sadar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 53) Sachin Ramesh Vanve,  
Age : 37 yrs., Occu. : Head Constable,  
B. No. 848, R/o. C/o. Police Station Nagar  
Taluka Dist. Ahmednagar,  
Superintendent of Police Ahmednagar.
- 54) Kamlaji Himmatrao Ghuge,



Age : 47 yrs., Occu. : Head Constable,  
B. No. 1494, R/o. C/o. Police Head Quarter,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 55) Vishal Shriram Tagde,  
Age : 45 yrs., Occu. : Naik Police Constable,  
B. No. 2775, R/o. C/o. Sadar Traffic,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 56) Ashish Manohar Gandre,  
Age : 38 yrs., Occu. : Police Sub-Inspector,  
R/o. C/o. Police Station Shegaon City,  
Dist. Buldhana,  
Superintendent of Police Buldhana.
- 57) Bhashkar Jageshwar Murkute,  
Age : 56 yrs., Occu. : Naik Police Constable,  
B. No. 2696, R/o. C/o. Police Headquarter,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 58) Devidas Vitthalrao Thombre,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 2347, R/o. C/o. Police Station Kalamna,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 59) Pankaj Murlidhar Nagoshe,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 2816, R/o. C/o. Police Station Nandanwan,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 60) Shankar Rangrao Kamble,  
Age : 48 yrs., Occu. : Naik Police Constable,  
B. No. 2747, R/o. C/o. Police Station Beltarodi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 61) Dhameshwar Prabhu Kharabe,  
Age : 41 yrs., Occu. : Head Constable,  
B. No. 812, R/o. C/o. Police Station Warthi,  
Dist. Bhandara, Superintendent of Police Bhandara.
- 62) Rajesh Jairam Magarde,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 2570, R/o. C/o. Cotton Market Traffic Zone,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 63) Pritam Bhagelu Yadav,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 2652, R/o. C/o. Police Station Sitaburdi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 64) Dinesh Shankarrao Manusmare,  
Age : 40 yrs., Occu. : Police Sub-Inspector,  
R/o. C/o. Police Station Ganeshpeth,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 65) Pramod Ramuji Sahare,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 2770, R/o. C/o. Police Station Wadi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 66) Nitinkumar Kisanrao Adhe,  
Age : 38 yrs., Occu. : Naik Police Constable,  
B. No. 4718, R/o. C/o. Police Station Shantinagar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 67) Ratnakar Shamlal Walke,  
Age : 42 yrs., Occu. : Naik Police Constable,  
B. No. 6662, R/o. C/o. Crime Branch Economic Offence  
Wing, Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.

- 68) Munindra Domaji Inwate,  
Age : 39 yrs., Occu. : Naik Police Constable,  
B. No. 4353, R/o. C/o. Police Station Ambazari,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 69) Pramod Atmaram Kangale,  
Age : 44 yrs., Occu. : Naik Police Constable,  
B. No. 4567, R/o. C/o. Police Station Yashodha Nagar,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 70) Anand Gulabrao Maraskule,  
Age : 41 yrs., Occu. : Naik Police Constable,  
B. No. 4205, R/o. C/o. Police Station Lakadganj,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 71) Shridhar Hiralalji Barbate,  
Age : 44 yrs., Occu. : Naik Police Constable,  
B. No. 3231, R/o. C/o. Police Station Kalamna,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 72) Jyotsana Haribhau Gaikwad,  
Age : 40 yrs., Occu. : Naik Police Constable,  
B. No. 902, R/o. C/o. Police Head Quarter,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 73) Seema Bapurao Dhurve,  
Age : 41 yrs., Occu. : Naik Police Constable,  
B. No. 1116, R/o. C/o. Police Station Koradi,  
Police Commissionerate, Nagpur City,  
Tal. and Dist. Nagpur.
- 74) Dharmraj Honuji Parate,  
Age : 59 yrs., Occu. : Ret. Naik Police Constable,  
B. No. 3285, R/o. C/o. Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.

- 75) Bhimrao Ramaji Bondre,  
Age : 58 yrs., Occu. : Ret. Naik Police Constable,  
B. No. 2808, R/o. C/o. Police Commissionerate,  
Nagpur City, Tal. and Dist. Nagpur.
- 76) Ku. Chanchal Vasant Rajmane  
@ Sau. Chanchal Gajanan Rajurkar,  
Age : 43 yrs., Occu. : Senior Clerk,  
R/o. C/o. Police Superintendent Office,  
Nagur Rural, Nagpur, Tal. and Dist. Nagpur.

**Applicants.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Additional Secretary, Finance Department,  
Mantralaya, Mumbai.
- 3) The Director, General of Police of State of  
Maharashtra, Old Council Hall Maharashtra,  
State Police Head Quarter, SB Marg Colaba,  
Mumbai.
- 4) The Commissioner of Police,  
Nagpur City, Civil Lines,  
Nagpur.
- 5) The Superintendent of Police,  
Akola.
- 6) The Superintendent of Police,  
Yavatmal.
- 7) The Commissioner of Police,  
Mumbai City, Police Commissionerate,  
Mumbai.
- 8) The Superintendent of Police,  
Ahmadnagar.

- 9) The Superintendent of Police,  
Buldhana.
- 10) The Superintendent of Police,  
Bhandara.

**Respondents**

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**Shri P.S.Khirsagar, Id. Advocate for the applicants.**

**Shri M.I.Khan, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 02<sup>nd</sup> August, 2024.**

**Judgment is pronounced on 09<sup>th</sup> August, 2024.**

Heard Shri P.S.Kshirsagar, Id. counsel for the applicants and  
Shri M.I.Khan, Id. P.O. for the Respondents.

2. In response to the advertisement dated 08.01.2005 (A-1) the applicants applied for the post of Police Constable. Their documents were verified on 07.02.2005. Their final selection list was published in May, 2005. They were appointed as Police Constable by order dated 02.01.2006. It is the contention of the applicants that they are entitled to get benefits of old pension scheme which was replaced by G.R. dated

31.10.2005. They have prayed accordingly. Hence, this Original Application.

3. Stand of respondent no. 9 is that there has been no breach of any direction issued in W.P. Nos. 1270/2021 and 234/2018.

4. Aforesaid prayer of the applicants is fully supported by the Judgements of the Hon'ble Bombay High Court. In **Riyaz Ahmed Sadroddin and Others Vs. State of Maharashtra and Others 2023 DGLS (Bom.) 2108** it is held-

*10. The issue is no more res integra. In an elaborate judgment in the matter of Khilari Rajendra Eknath and Ors. Vs. The State of Maharashtra and Ors. (Writ Petition No.2270/2021 (Original Side of the Principal Bench) by the judgment and order dated 28.04.2023, this Court after taking into consideration the fact that the DCPS is based on the policies of the Central Government and pointing out the similarities in the rules and issuance of office memorandum by the Central Government dated 03.03.2023 and precisely making out a distinction between the word "recruitment" instead of word "appointment" used in Rule 2(2) and following the decision of the Supreme Court in the matter of Shivaji Nagnath Lokare and Ors. Vs. State of Maharashtra and Ors.; (2017) 5 Mh.L.J.854 and Prafulla Kumar Swain Etc. Vs. Prakash Chandra Misra and Ors.; 1993 SCC Supl. (3) 181, this Court has expressly held that the petitioners therein whose appointments were made after 01.11.2005 when the recruitment process had begun prior thereto were governed*

*by the old pension scheme and not by the DCPS introduced vide Government Resolution dated 31.10.2005.*

*11. We are in respectful agreement with the view taken in the matter of Khilari Rajendra Eknath (supra). When admittedly the selection process in respect of the petitioners had even reached a stage of publication of select list and only the appointment orders had remained to be issued and were issued to them between 29.12.2005 and 02.01.2006 that is after 01.11.2005, they would still be governed by the old pension scheme and not by the DCPS.*

*12. The Review Application is allowed. The order dated 9.08.2019 in WP No.4946/2014 (common judgment in WP/2894/2014) is recalled. The writ petition is allowed in terms of the directions in paragraph Nos.30 and 31 in the matter of Khilari Rajendra Eknath (supra) which read thus :*

*“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.*

5. In common judgment dated 11.08.2023 (in W.P.Nos. 1893/2020 and 3746/2023) the Hon'ble Bombay High Court held and observed as follows:-

***“(9) We direct the Chief Executive Officers of the Respondent - Zilla Parishad, to examine the case of each of the members of Petitioner - Association within five weeks from the date the order is uploaded (after amendment is carried out to the Petitions) and if the recruitment process in respect of each of these Gramsevak has commenced before 1 November 2005, then they shall proceed to extend the benefits as were directed to be given by the Division Bench in the cases of Khillari Rajendra Eknath and Ors. vs. The State of Maharashtra and Ors. and Rahul Laxmikant Kontamwar. In case, the Chief Executive Officer, upon examination, finds that any individual case is not covered by the above mentioned position of law, then a speaking order giving detailed reasons be passed and communicated to the concerned individual Gramsevak.***

***(10) We must observe here that the Division Bench in the case of Khillari Rajendra Eknath has issued general directions to the State of Maharashtra for issuance of a Government Resolution similar to the Office Memorandum of the Central Government dated 3 March 2023 directing that all employees whose recruitment process commenced before 1 November 2005 would be governed by the provisions of Old Pension Scheme under the Rules of 1982, notwithstanding their actual appointments taking place after 1 November 2005. We reiterate such directions as they will prevent needless litigations by similarly placed employees. We expect the State Government to issue necessary Government Resolution within a period of six weeks from today.”***

6. On 02.02.2024 Finance Department of Government of Maharashtra has issued a G.R. which inter alia states:-

***दि. ०१.११.२००५ पूर्वी पदभरती जाहिरात/अधिसूचना निर्गमित झालेल्या प्रकरणी शासन सेवेत दि. ०१.११.२००५ रोजी किंवा त्यानंतर रुजू झालेल्या शासकीय अधिकारी/कर्मचारी यांना केंद्र शासनाच्या धर्तीवर महाराष्ट्र नागरी सेवा निवृत्तीवेतन नियम, १९८२, महाराष्ट्र नागरी सेवा (निवृत्ती वेतनाचे अंशराशीकरण) १९८४ व सर्वसाधारण भविष्य निर्वाह निधी व अनुषंगिक***



*नियमाच्या तरतुदी लागू करण्यासाठी एक वेळ पर्याय (One Time Option)  
देण्यात येत आहे.*

7. This being the position, the O.A. can be disposed of by issuing necessary directions to the respondents. The respondents are directed to verify whether recruitment process of each of these applicants had started before 01.11.2005. To those of the applicants whose recruitment process had started before 01.11.2005, benefits of old pension scheme shall be extended as per G.R. dated 02.02.2024. In case, upon examination it is found that any individual applicant is not covered by the above mentioned position of law, then a speaking order shall be passed and communicated to the concerned individual. **This exercise shall be completed within two months from today.** No order as to costs.

**Member (J)**

**Dated :- 09/08/2024**

aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 09/08/2024  
and pronounced on

Uploaded on : 12/08/2024