



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14481 OF 2023

1. Ganesh Dnyandeo Rokade,
Age- 37 years, Presently residing at
Sai Villa Apartment, Tihnewadi Road,
Flat No. 19, Tal- Khed, Dist- Pune-410505.
2. Mrs. Ashwini Shivaji Parande,
Age 37 years, Alias Ashwini Ganesh Bhong
Presently residing at post Sarashwatinagar,
Tal- Indapur, Dist- Pune-413106.
3. Sunita Rajendra Kumbhare,
Age 50 years, Presently residing at Pradadise Home,
Flat No. 307, Vadgaon, Tal- Maval, Dist- Pune.
4. Dilip Narayan Jagdale,
Age 50 years, Presently residing at
Khanote, Tal- Daund, Dist- Pune-413105.
5. Vijay Shankar Thakar,
Age 46 years, Presently residing at
Thakursari, Post Pawanagar, Tal-Maval,
Dist- Pune-410406.
6. Vijaysing Samabhajirao Ghadage,
Age 45 years, Presently residing at
Wadgaon (BK), Behind Bharati Bank,
Tal-Haveli, Dist-Pune-411041.
7. Meena Raju Kharat,
Age 54 years, Presently residing at
25, A Wing, Royal Complex, Sankalp Nagari,
Dehu Road, Kiwale, Tal- Haveli, Dist-Pune.
8. Meena Namdev Jadhav,
Age 56 years, Presently residing at

B-1103, Tinsel Town, Hinjwadi, Tal- Mulshi,
Dist- Pune.

9. Baban Arun Shelke,
Age 41 years, Presently residing at
post- Kendur, Tal- Shirur, Dist- Pune.
10. Madhuri Ramchandra Lolage,
Age 43 years, Presently residing at
Chinchwade Nagar, Chinchwad, Dist- Pune-33.
11. Rashmi Ganesh Mehendale,
Age 37 years, Presently residing at
C-1401, Marvel Ideal, Speacio, Undri, Dist- Pune.
12. Pratap Sadashiv Shinde,
Age 41 years, Presently residing at
Rase, Tal-Khed, Dist- Pune.
13. Sharad Nivrutti Surve,
Age 51 years, Presently residing at
Sr. No. 8, Plot No. 11, Mayur Anand Society,
Taljai Pathar, Dhankawadi, Pune-46.
14. Ganesh Punaji Bamble,
Age 42 years, Presently residing at
Sai Villa Phase VII, Flat No. 22,
Thinewadi Road, Rajgurunagar, Tal-Khed,
Dist- Pune.
15. Santosh Balu Shelake,
Age 41 years, Presently residing at
post Ahmadabad, Tal- Shirur, Dist-Pune.
16. Pramod Laxman Pawar,
Age 43 years, Presently residing at
Wagholi, Tal-Haveli, Dist- Pune-412207.
17. Rupali Pramod Pawar,
Age 42 years, Presently residing at
Flat No. 402, Sr. No. 16, Damodar Residency,

Near Bharati Vidhyapeeth, Pune City,
Katraj, Pune-46.

Versus

1. The Principal Secretary,
Rural Development Department,
Govt. Of Maharashtra, Mantralaya, Mumbai.
2. The Division Commissioner,
Pune Division, Pune.
3. Zilla Parishad Pune
Through its Chief Executive Officer
Pune Zilla Parishad, Pune.
4. Ambegaon Panchayat Samitee,
Through its Block Development Officer,
Tal- Ambegaon, Dist-Pune.
5. Baramati Panchayat Samitee,
Through its Block Development Officer,
Tal-Baramati, Dist-Pune.
6. Maval Panchayat Samitee,
Through its Block Development Officer,
Tal- Maval, Dist-Pune.
7. Daund Panchayat Samitee,
Through its Block Development Officer,
Tal- Daund, Dist-Pune.
8. Shirur Panchayat Samitee,
Through its Block Development Officer,
Tal- Shirur, Dist-Pune.
9. Haveli Panchayat Samitees,
Through its Block Development Officer,
Tal-Haveli, Dist-Pune.

10. Khed Panchayat Samitees,
Through its Block Development Officer,
Tal- Khed, Dist-Pune.

Mr. Suresh Pakale, Senior Advocate a/w Mr. Nilesh Desai, Advocate
for the Petitioners.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. V.M. Mali, AGP for the
Respondent/State.

Mr. Ravindra S. Panchundkar, Advocate for Respondent No.3.

**CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.**

DATE : 10th JULY, 2025

ORAL JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. All these Petitioners claim that they are entitled for the
Old Pension Scheme (hereinafter referred to as 'OPS') and not the
New Defined Contributory Scheme (hereinafter referred to as
'DCPS').

3. They have put forth Prayer Clauses (a) and (b), which read thus :-

“(a) this Hon’ble Court be pleased to exercise the powers vested in it under Article 226 of the Constitution of India and to issue a Writ of Mandamus and/or a Writ in the nature of Mandamus thereby directing the Respondent employer extend the benefits under the Maharashtra Civil Service (Pension) Rules 1982 and existing General Provident Fund Scheme to the Petitioners and further direct them to make contribution towards the said General Provident Fund Scheme by taking appropriate action in that behalf.

(b) this Hon’ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and give a declaration that the Petitioners are entitled to enjoy the pensionary benefits under the Maharashtra Civil Service (Pension) Rules 1982 and existing General Provident Fund Scheme by virtue of the provisions of the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961 and Rules framed thereunder.”

4. Insofar as Prayer Clause (c) is concerned, the learned Senior Advocate submits, on instructions, that the Petitioners do not desire to pursue the said prayer, and the same may be treated as deleted.

5. We have considered the submissions of the learned Advocates for the appearing parties. Keeping in view the factual

matrix in this matter, we are not required to advert to their entire submissions. The State of Maharashtra had introduced a Government Resolution dated 31st October, 2005, whereby it was prescribed that those candidates who are appointed after 1st November, 2005, would be covered by the DCPS. Subsequently, the State Government came out with a Government Resolution dated 1st October, 2024 and enumerated the categories, which would be entitled to the OPS or the DCPS.

6. The present Petition concerns the Petitioners who are all appointed on compassionate basis. Petitioner Nos.1 to 11 were approved for appointment on compassionate basis on 9th August, 2005. Petitioner No.12 was approved on 23rd August, 2005. Petitioner Nos.13 to 17 were approved on 31st August, 2005, 1st September, 2005, 8th September, 2005, 5th September, 2005 and 31st October, 2005, respectively. There is no dispute that all of them were appointed after the cut-off date, 1st November, 2005.

7. In the Government Resolution dated 1st October, 2024, Clause No.2(1), is a condition which pertains exclusively to candidates who were appointed on compassionate basis. For clarity,

we are reproducing the said Clause No.2(1), hereunder :-

“(१) सदर शासन निर्णय दि.०१.११.२००५ पूर्वी निवड यादीमध्ये नाव अंतर्भूत होऊन दि.०१.११.२००५ नंतर अनुकंपा तत्वावर नियुक्त कर्मचाऱ्यांना लागू राहणार नाही.”

8. The English translation of the said Clause No.2(1), as under :-

“This Government Resolution dated 01.11.2005, shall not apply to employees whose names were included in the selection list before 01.11.2005 and were appointed on compassionate basis after 01.11.2005.”

9. As such, the Government Resolution dated 1st November, 2005 prescribing DCPS, would not be applicable to those whose names are included in the select list for appointment on compassionate basis prior to the Government Resolution dated 1st November, 2005 and were appointed after 1st November, 2005.

10. In view of the above, though the learned AGP has strenuously opposed this Petition, we find that nothing more is to be looked into since the dates and events are crystal clear and the cases of the Petitioners are squarely covered under Clause No.2(1).

11. In view of the above, this **Writ Petition is allowed** in terms of Prayer Clauses (a) and (b).

12. The State Authorities would proceed to initiate steps for completing the formalities for including the Petitioners in the OPS. If there are any deductions made by the Zilla Parishad towards the DCPS [presently known as the National Pension Scheme (NPS)], the said amounts should be transferred to the General Provident Fund (GPF) accounts of these Petitioners, as per the applicable policy.

13. **Rule is made absolute in the above terms.**

(GAUTAM A. ANKHAD, J.) (RAVINDRA V. GHUGE, J.)