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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3546/2014

Saroja d/o Ramrao Makne.

...Petitioner..

Versus

The State of Maharashtra & four others.

...Respondents...

.....

Shri T.M. Venjane, Advocate for petitioner.

Shri V.H. Dighe, AGP for respondent nos.1 to 5.

.....

CORAM: S. S. SHINDE &

P.R. BORA, JJ.

DATE: 17.04.2015

ORDER :

1] Heard learned counsel for the parties.

2] Learned counsel appearing for petitioner, during the course of his arguments, has restricted his prayer to give petitioner benefits of his service as part time Librarian by calculating half of the total period spent as a part time Librarian for the purposes of pensionary benefits on attaining the age of superannuation.

3] Upon perusal of the documents placed on record, it appears that petitioner was appointed as part time

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Librarian on 18.3.2006 in Jijamata Kanya Prashala, Latur. It further appears that she was appointed as full time Librarian with effect from 1.6.2010. It further appears that the last pay-scale before she was appointed as full time Librarian was Rs.5200-20200.

4] Learned counsel for petitioner pressed into service the judgment of Division Bench of this Court in the case of *Shalini w/o Asaram Akkarbote V/s The State of Maharashtra & others* in **Writ Petition No.8289/2013** decided on 29.4.2014. Learned counsel has placed reliance particularly on contents of paragraph no.11 and submits that in the facts of that case, the Division Bench of this Court, after considering various authoritative pronouncements on the subject of the Supreme Court and also the High Courts, has held that services rendered by petitioner therein as part time Librarian, half of the period of such service will have to be taken into consideration in addition to the period for which petitioner has worked as full time Librarian for the purposes of pensionary benefits.

5] Learned AGP for respondents submits that this Court may not observe anything about eligibility of petitioner

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for pension since it will have to be considered as to by which Government resolution and policy of the State Government, the services of petitioner are governed for the purposes of pension.

6] We have heard learned counsel for petitioner, learned AGP for respondents, perused all the documents placed on record and in particular the letter written by the Education Officer (Secondary), Zilla Parishad, Latur, to the Head Master, Yashwant Vidyalaya, Latur, wherein the date of initial appointment of petitioner is mentioned as 18.3.1996 as a part time Librarian and 1.6.2010 is the date on which she was appointed as full time Librarian.

7] Keeping in view the above position and the judgment of this Court in the case of *Shalini Asaram Akkarbote* (supra) and in particular paragraph no.11 thereof, we are of the opinion that so far as limited grievance of petitioner to count her services spent as a part time Librarian, half of the services as part time Librarian for the purposes of pensionary benefits is covered by the said judgment.

8] In that view of the matter, for the same reasons

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which are assigned in the said judgment, the respondents, after considering half of petitioner's part time service as Librarian as a qualifying service for the purposes of pensionary benefits in addition to period spent as a full time Librarian, shall take appropriate decision in respect of pensionary benefits and other benefits on attaining the age of superannuation by petitioner. The writ petition is accordingly disposed of. No order as to costs.

(P.R. BORA, J.)**(S.S. SHINDE, J.)**