

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.3014 OF 2001**

**Md.Zainus Saleheen Vs. The State of Maharashtra and others.**

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr.S.B.Khan, advocate for the petitioner.  
Mr.V.S.Badakh, A.G.P. for the State.  
Mr.Deelip Patil (Bankar) advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND  
K.L.WADANE, JJ.**  
**Date : 15.10.2016.**

**PER COURT :**

1. Heard.
2. Leave to add Collector as party.
3. Amendment to be carried out forthwith.
4. Learned A.G.P. waives notice for the added party.
5. The petitioner seeks directions against the Respondents to count the services of the petitioner from 8.7.1960 to 20.9.1970 for pensionary benefits.
6. The learned counsel for the petitioner states that the

petitioner was selected as Assistant Instructor Tailoring and was posted at Ambad by Collector, Aurangabad on 8.7.1960. On 6.6.1961, the petitioner was transferred from Ambad to Vaijapur. On 31.10.1961, the petitioner was transferred from Vaijapur to Sillod. On 18.9.1970, the petitioner was informed that his services are not required as the centre is closed. On 5.1.1971, the petitioner was appointed as retrenched employee in Zilla Parishad as a Vaccinator and retired prematurely on 1.12.1997. According to the learned counsel, his service from the year 1960 to 1970 needs to be counted for pensionary benefits.

7. Learned A.G.P. submits that the service book of the petitioner from the year 1960 to 1970 is not traceable as per the instructions received from the Collector, Aurangabad. The same may be with the Block Development Officer, Vaijapur.

8. Mr.Bankar Patil, learned counsel for Respondent No.2 submits that various factors will be required to be considered for counting period between 1960 to 1970 for pensionary benefits. If the petitioner submits the original service record and the service book with regard to his earlier service rendered in different establishment, then the same can be considered for counting the said service in accordance with law and rules.

9. In absence of the service record of the services having been rendered from 1960 to 1970, it would not be possible to give any

directions with regard to the pensionary benefits. The Respondent-State submits that the service book and the service record of the petitioner from 1960 to 1970 is not traceable. The same may be with the Block Development Officer, Vaijapur.

10. To resolve the anomalous situation, we pass the following order :

a) The Respondent No.1 shall if the service record of the petitioner from the year 1960 to 1970 is not traced out within a reasonable time i.e. three (3) months then the Respondent Collector shall reconstruct the service record and/or service book with the available material and forward the proposal accordingly to the competent authority. The petitioner shall also cooperate by providing the orders which the petitioner had received during the said period i.e. 1960 to 1970. The said exercise shall be done expeditiously. If the service record is traced out or service book is reconstructed then within a period of six (6) months thereafter, the decision should be taken by the Respondent authorities with regard to the benefit of the period the petitioner has rendered service from the years 1960 to 1970 for pensionary benefits.

b) Rule accordingly made absolute in above terms. No costs.

**( K . L . WADANE , J . )**

**( S . V . GANGAPURWALA , J . )**

Dt.15.10.2016.  
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