

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9605 OF 2015.

Shevantabai Rakhmaji Raut Vs. The State of Maharashtra and others.

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.Patil Andrale A.V., advocate for the petitioner
Mrs.A.V.Gondhalekar, Addl. Government Pleader for the State.

Mr.B.A.Shinde, advocate for Respondent No.2.

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

Date : 17.11.2016.

PER COURT :

1. Heard.
2. Mr.Patil, learned counsel submits that petitioner has rendered service as a labourer with Respondent Nos.2 and 3 on temporary basis from 1975 to 2004 and thereafter as a permanent regular employee till the date of superannuation. The petitioner was made permanent on the sanctioned post under order dated 4.1.2006. The Respondents are not computing the services rendered as a temporary employee from 1975 to 2004. The learned counsel relies on the judgment of this Court in W.P.No.3061/2014

and W.P.No.7170/2010.

3. Mr.Shinde, learned counsel for Respondent Nos.2 and 3 submits that the services rendered by the petitioner as a temporary employee can not be computed for the purpose of pension. Only the services rendered as a permanent employee can be computed for pension. The said period is only six years and for a person/employee to become eligible for pension, the said employee has to put in 10 years of qualifying service. According to the learned counsel, the petitioner being on daily wages can not get benefit of the said Rule.

4. We have considered the submissions.

5. The fact that the petitioner has worked with the Respondents from the year 1975 to 2005 is not disputed and subsequently has been brought upon regular establishment. The services rendered by the petitioner earlier before the petitioner was brought on regular establishment will have to be computed half and if the said service is computed as half, the petitioner would be eligible for pensionary benefits. This Court in W.P.No.3061/2014 and W.P.No.7170/2010 in respect of similarly situated employees have already held the eligibility of such employees.

6. Considering above, the Rule is made absolute in terms of prayer clause (C) except the prayer of interest therein. The Respondents shall complete the exercise of sending the proposal of

petitioner for grant of pension within four (4) months. Thereafter, retiral and pensionary benefits as admissible shall be paid expeditiously.

7. The Writ Petition is accordingly disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.11.2016.
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