

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11622 OF 2015

**BHANUDAS TUKARAM KHARAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr.N.S.Kadarle, Advocate for petitioner

Mr.S.D.Kaldate, AGP for respondent no.1

Mrs.Manjusha Deshpande, Advocate for respondent
no.2

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : JUNE 14, 2016**

PER COURT :

Heard the learned Counsel appearing for the petitioner and the learned AGP appearing for respondent no.1 - State. With their able assistance, we have carefully perused the communication dated 28.05.2000 addressed to the Deputy Engineer (Mechanical), Water Supply Department, Municipal Corporation, Aurangabad, by

the Executive Engineer, Maharashtra Jeevan Pradhikaran, Construction Division, Aurangabad wherein, it was communicated that the post mentioned in the subject matter of the said letter, have been included in Class-III. Admittedly, the petitioner retired as a Fitter. The petitioner was transferred to the respondent – Corporation. While transferring the services of the petitioner, there was a condition that even on transfer, the petitioner's service would be governed by the Maharashtra Civil Services Rules.

2] The learned Counsel appearing for the petitioner submits that the rules governing the service conditions of the employees of the Corporation cannot be accepted in view of Condition no.3 of the agreement which is placed on record by the petitioner in the compilation of the Writ Petition.

3] The learned Counsel appearing for the petitioner tendered across the Bar a copy of the Government Resolution dated 02.07.2002 issued by the General Administration Department, Government of Maharashtra. The same is accepted on record. Relying on the said Government Resolution, the learned Counsel for the petitioner tried to contend that the service conditions governing appointment of the petitioner in Class-IV shall continue, even though the petitioner was subsequently promoted to the post of Fitter in Class-III. The learned Counsel, relying on the said Government Resolution, also tried to contend that upto a particular pay scale, the services of the petitioner will have to be treated as Class-IV and it is only after an employee is placed in a particular pay scale, his services have to be considered in Class-III.

4] We do not find any basis for such contention. As already held, the petitioner has retired as Fitter, which is a Class-III post. It is not disputed that for the said post, the age limit prescribed is 58 years for retirement.

5] In that view of the matter, we are unable to persuade ourselves to grant any relief to the petitioner. Hence, the petition stands rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp