

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

WRIT PETITION NO. 8373 OF 2016

Mohammad Hanif Mohammad Ibrahim,
Age : 69 years, Occ. Retired,
R/o. Parbhani, Tq. Parbhani,
District Parbhani.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Agricultural Department,
Mantralaya, Mumbai – 32.
 2. The Vasantao Naik, Marathwada,
Krushi Vidyapity, Parbhani,
Through its Registrar.
 3. The In-charge Officer,
Wheat and Maize Research Unit,
Vasantao Naik Marathwada
Agricultural University, Parbhani.
- .. Respondents

Mr. Patil Indrale Anand V., Advocate for the petitioner.
Mr. M.B. Bharashwadkar, AGP for respondent-State.
Mr. B.A. Shinde, Advocate for respondent nos. 2 and 3.

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 20.09.2017**

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):—

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. The petitioner is appointed as a Watchman in the year 1976 and is made permanent in the year 1999. The learned counsel submits that the respondents are not releasing the pensionary benefits to the petitioner, though, the petitioner has retired on attaining the age of superannuation in 2007. The learned counsel submits that the service rendered on temporary basis shall also be computed for the purpose of pension.

3. Mr. Shinde, the learned counsel for respondent nos. 2 and 3 submits that the petitioner is not entitled for pension, in view of the introduction of the pension scheme 2005 and the petitioner has not undergone minimum qualifying service of ten years.

4. The factual matrix is not disputed that the petitioner was appointed on temporary basis in the year 1976 and was made permanent in the year 1999 and that the petitioner having attained the age of superannuation has retired in the year 2007.

5. Rule 57 of the Maharashtra Civil Services Pension Rules would be relevant for consideration. As per the said rule, the period rendered on temporary basis has to be counted as half for the purpose of pensionary benefits. We have considered the similar issue in writ

petition no. 9605/2015 under order dated 17.11.2016, so also the order passed in writ petition no. 3061/2014 and writ petition no. 7170/2010.

6. In light of the above, we pass the following order.

7. 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 the petitioner for grant of pension within four months. Thereafter the retiral and pensionary benefits as admissible shall be paid expeditiously. The writ petition is accordingly disposed of. Rule made absolute accordingly.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]