

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

**WRIT PETITION NO. 12760 OF 2016**

**JIVAN VITTHALRAO PAWAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Ajay Shinde, Advocate for the petitioner.  
Mrs.M.A. Deshpande, AGP for respondent/State.  
Mr.T.J. Poul, Advocate for respondent Nos.5 & 6.

**CORAM : S.V.GANGAPURWALA &  
S.M.GAVHANE, JJ.**

**DATED : 21.08.2018**

**P.C. :-**

1. The appointment order of the petitioner states that the petitioner is appointed on clock hour basis. The Counsel for the petitioner states that though the appointment order says it is on clock hour basis (full time), the petitioner was paid salary as per applicable pay-scale by the management. The University has condoned the break in service of 297 days for the purpose of pension and gratuity.

2. According to the respondent-State, as the petitioner is appointed on clock hour basis and if he changes the college, earlier service cannot be considered for regular pay-scale or pay-fixation as per circular dated 12.09.1989.

3. Learned Counsel for the petitioner seeks time to place on record the salary received by him as per the pay-scale during the period of his appointment on clock-hour basis (full time). The petitioner may produce extract of bank account to substantiate the said fact.

4. Stand over to 04.09.2018.

**[ S . M . GAVHANE , J . ]**

**[ S . V . GANGAPURWALA , J . ]**