

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 4770/2017

(Dr. Sushma W/o Dujendra Kumar Vs. State of Maharashtra & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Shri A. A. Naik, Advocate for petitiopner.
Shri S. P. Deshpande, Addl. G. P. for respondent Nos. 1 to 3.
Shri P. Patil, Advocate for respondent No. 4.

CORAM : B.P. DHARMADHIKARI AND

M. G. GIRATKAR, JJ.,

DATED : 17.09.2018.

The only question before this Court is whether the period of ad-hoc service put in by petitioner from 07.08.1987 till 23.02.2000 can be relied upon for calculating her seniority and pay fixation after she has been selected and joined as a regular/permanent Lecturer.

2. A communication dated 21.04.2018 filed as Annexure-I along with its reply by respondent No. 3 draws support from the Rule 33 of Maharashtra Civil Services (Pension) Rules, 1982 to deny the benefit of that service.

3. Shri Naik, the learned Advocate for the petitioner is relying upon Government Resolution dated 06.03.1999 which entitles such incumbent to get benefit of ad-hoc service for the purpose of senior scale and selection grade.

4. The learned Additional Government Pleader submits that

as there is no challenge as yet to communication dated 21.04.2018, the defence of respondent Nos. 1 to 3 in this respect is not on record.

5. Shri Patil, the learned Advocate for respondent No. 4 states that University has favourably recommended the case of the petitioner.

6. In the circumstances, we find that in the interest of justice, can be met with by directing the respondent No. 3 to reconsider the entire controversy in the wake of the Government Resolution dated 06.03.1999 and orders of this Court, if any, in this respect. Only to facilitate this exercise, we direct the petitioner as also the respondent No. 5 to appear before the respondent No. 3 on 09.10.2018. The respondent No. 3 shall thereafter within three months, take suitable decision as per law.

7. To enable such decision by the respondent No. 3, we quash and set aside the communication dated 21.04.2018, as also, the impugned order dated 04.02.2017.

8. Petition is accordingly disposed of. No costs.

JUDGE

JUDGE