

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6626 OF 2018

Smt. Salubai Dattrao Mane ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. A.V. Indrale Patil, Advocate for Petitioner

Mrs. A.V. Gondhalekar, Additional Government Pleader
for Respondent No.1

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

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. We have heard the learned Counsel for the petitioner and the learned Counsel for the respondents.
2. The petitioner claims to have worked as temporary employee from 1975 to 2005, and on 28.01.2005, he was absorbed on permanent post. The grievance of the petitioner is that earlier service rendered as temporary has to be counted half for the purpose of pensionary benefits.
3. Mr. Shinde, the learned Counsel opposes the request and submits that the requirements of Rule 57 and note to Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982 are not satisfied.

4. It appears that the petitioner was made permanent from 28.01.2005. The case of the petitioner is governed by Rule 57 and note to Rule 57 of the M.C.S. Pension Rules. The service rendered as temporary can be considered half for the purpose of pensionary benefits. The same view has been taken in case of other similarly situated employees in Writ Petition No. 3061/2014 under order dated 29.09.2014, so also, Writ Petition No. 3271/2011 dated 22nd August, 2011 and other Writ Petitions.

5. In light of the above, we pass the following order :-

(i) The petitioner has retired on attaining the age of superannuation on 31st July, 2012. The respondent shall consider service rendered by the petitioner on temporary basis as half for computing the pensionable service. The same shall be added to the service rendered from date of absorption till date of superannuation. This exercise shall be done within a period of four months.

(ii) The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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