

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

WRIT PETITION NO. 12055 OF 2018

Devai Kishan Jondhale

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Mr A. V. Indrale, Advocate for petitioner
Mr K. B. Jadhav, AGP for respondent/State
Mr B. A. Shinde, Advocate for respondent No. 2

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

DATE : 21ST JANUARY, 2019

ORAL ORDER:

1. The petitioner seeks benefit of calculating service rendered as temporary for the purpose of pensionary benefits.
2. We have heard Mr Indrale Patil, learned counsel for the petitioner and Mr Shinde, learned counsel for respondents No.2 & 3.
3. The issue is no longer *res integra*. In view of Rule 57 of Maharashtra Civil Services (Pension) Rules, 1982, the service rendered as temporary/daily wager shall be counted as half for the purpose of pension.

4. The respondents shall consider the application of the petitioner and shall treat the service rendered by the petitioner as temporary and on daily wages as half for the purpose of computing qualifying service. It is submitted that, the petitioner under order dt. 01.12.1999 has been brought on regular establishment. The service rendered earlier as daily wagger/temporary, in view of Rule 57 of MCS (Pension) Rules, will have to be counted as half.

5. In light of the above, the respondents shall treat the service rendered by the petitioner as daily wagger/temporary half while computing the qualifying service. The same shall be done expeditiously, preferably within four months from today.

6. The writ petition is accordingly disposed of.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde