

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

WRIT PETITION NO. 12843 OF 2018

Shalini D/o. Bansidhar Kulkarni
Age : 60 years, Occu. Retired,
R/o. Flat No. 5, Dipali Residency,
Near Kamgar Chowk, N-2, CIDCO,
Aurangabad.

... Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary,
Higher Education Department,
Mantralaya, Mumbai.
 2. Joint Director of Higher Education,
Aurangabad Region, Aurangabad.
 3. Accountant General of Maharashtra,
Nagpur.
 4. R.G. Bagdiya Arts, S.B. Lakhotiya Commerce and
R. bezenji Science College, Jalna
through its Secretary.
- ... Respondents

..
Shri. Pradeep Deshmukh, Advocate for the petitioner
Smt. Vaishali N. Patil-Jadhav, AGP for respondent/State
..

**CORAM : S. V. GANGAPURWALA
AND
A. M. DHAVAL, JJ.**

DATE : 18TH APRIL, 2019

ORAL JUDGMENT [PER S. V. GANGAPURWALA, J.] :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at the stage of admission.

2. Shri. Pradeep Deshmukh, learned counsel for the petitioner submits that, the petitioner was appointed as Part-time Lecturer w.e.f. 01.09.1992 initially for one year and same was continued. The approval was also granted to the appointment of the petitioner as Part-timer on 01.03.1994. The petitioner was subsequently appointed as a full-time Lecturer for Sociology subject w.e.f. 03.07.1998. For pensionable purpose, the service of the petitioner is counted only from 03.07.1998. The learned counsel submits that, it ought to have been counted from the first date of appointment as Part-time Lecturer i.e. from 01.09.1992. The learned counsel relies on Rule 57 Note 1 of the Maharashtra Civil Services (Pension) Rules, 1982.

3. Smt. Jadhav, learned Assistant Government Pleader submits that, the petitioner is already getting pension. The part time services though approved were not to be considered as pensionable service. In view of that, the petitioner would not be entitled to count

the period of the service rendered as a Part-time for the purpose of pension.

3. We have considered the submissions.

4. Note 1 of Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982 provides that, in case of employees paid from contingencies who are subsequently brought on a regular pensionable establishment by conversion of their posts, one half of their previous continuous service shall be allowed to count for pension.

5. The petitioner was duly appointed by following due selection process as a Part-time Lecturer in Sociology. The services of the petitioner were also approved as a Part-time Lecturer and subsequently w.e.f. 03.07.1998, the petitioner is made a Full-time Lecturer in Sociology. In such case, the services rendered by the petitioner as Part-timer would be counted as half while computing the pensionable service of the petitioner. Reference can be had to the judgment of this Court in case of Jayshree Wd/o. Narayan Mhaske vs State of Maharashtra and Others reported in 2005 (3) Mh.L.J. 492 and another judgment of this Court at Nagpur in Smt. Darshan Wd/o. Adikrao Gaikwad Vs. State of Maharashtra and others in Writ Petition No. 5421 of 2017 dt. 09.07.2018.

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

The respondents shall count the period of service rendered by the petitioner as a Part-timer from 01.09.1992 as half while computing the pensionable service and other retiral benefits. The said service shall be counted as half only for the purpose of pension and other retiral benefits.

7. Rule made absolute in above terms with no order as to costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde