

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10589 OF 2021

Ahmednagar Mahanagar Palika,
Ahmednagar, through its
Commissioner

PETITIONER
(Orig. Opponent)

VERSUS

Janki Gangadhar Sathe,
Age : 87 years, Occu. Nil,
R/o Shiradhon, Tq. Nagar,
District Ahmednagar

RESPONDENT
(Orig. Complainant)

Mr. V.S. Bedre, Advocate for the petitioner
Mr. P.V. Barde, Advocate for the respondent

CORAM : MANGESH S. PATIL, J.

DATE : 07.10.2021

PER COURT :

Heard Mr. Bedre, learned Advocate for the petitioner as also
Mr. Barde, learned Advocate, who appears for sole respondent.

2. At the request of both the sides, the matter is heard finally at
the stage of admission.

3. The petitioner Corporation is impugning the judgment and
order dated 26.09.2018, passed by the learned Member of the Industrial
Court, Ahmednagar in Complaint (ULP) No.61/2017 filed by the
respondent alleging about unfair labour practice having been resorted to

by the petitioner of the kind referred under Items 5, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971.

4. The respondent primarily alleged that she had worked with the petitioner as a 'Safai Kamgar' since 1978 on daily wages. She was made permanent on 10.12.2002 and was superannuated on 01.06.2007. She is entitled to claim pension pursuant to the Maharashtra Civil Services Rules (Pension) Rules, which are, admittedly, applicable to the employment, but the petitioner refused to pay the pension to her.

5. The facts are not in dispute. The respondent had entered into service on daily wage basis in 1978 and served there as such till 10.12.2002 on which date she was absorbed in the permanent cadre. She was superannuated on 01.06.2007. Though the period of permanent service rendered by her was barely four years and few months, her claim for counting of 50% of the service rendered by her on daily wage basis/temporary basis, which was for about 24 years, is duly covered by Rules 30, 57 and 110 of the Maharashtra Civil Services (Pension) Rules, 1982.

6. In similar set of facts, in the matter of the petitioner Corporation itself, namely ***Ahmednagar Municipal Corporation Vs. Malan Kisan Asmar; 2018(1) ALL MR 759***, this Court has directed the petitioner to pay pension in accordance with the Rules. Admittedly, this judgment

was challenged by the petitioner before the Supreme Court, but the decision of this Court has been confirmed. For the selfsame reasons as have been assigned in *Ahmednagar Municipal Corporation Vs. Malan Kisan Asmar* (supra), even this writ petition is liable to be dismissed.

7. In view of such a state-of-affairs, I do not find any perversity or arbitrariness much less any illegality in the impugned judgment and order holding the respondent entitled to pension. There is no merit in the petition. It is dismissed.

[MANGESH S. PATIL]
JUDGE