

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

WRIT PETITION NO.1158 OF 2021

Kankar Shakin Shaikh

Age : 70 years, Occu : Nil (Retired),

R/o. Sade, Tq. Rahuri, Dist.Ahmednagar

.. Petitioner

Versus

1. The State of Maharashtra

2. The Maharashtra Council of Agricultural
Education & Research, Pune.

3. Mahatma Phule Krishi Vidyapeet,
Rahuri, Tq. Rahuri, Dist. Ahmednagar

.. Respondents

...

Mr. Chandrakant K. Shinde, Advocate for the Petitioner

Mr. S.B. Yawalkar, AGP for Respondent / State

Mrs. Jayshri P. Reddy, Advocate for Respondent No.3

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 25-07-2022

PER COURT :

1. Heard both the sides finally.

2. The petitioner was engaged as a labourer in the respondent no.3 - University on daily wages and stated to have worked continuously since 1973. His services were regularized in the year 2004 and he stood superannuated on 31.08.2012.

3. The claim of the petitioner is for counting the services rendered in the light of the Rule - 57 of the Maharashtra Civil Services (Pension) Rules, 1982 (in short 'MCS Rules').

4. Respondent no.3 in the affidavit-in-reply has relied upon the decision taken by the State Government to point out that the petitioner may not be entitled to the relief.

5. We do not intend to express anything on the merits regarding entitlement of the petitioner to resort to Rule 57 of the MCS Rules. We merely point out that the decision of the State Government dated 19.11.2015 was pertaining to Rule 54 (2) of the MCS Rules.

6. In view of the above state-of-affairs, it would be appropriate to direct respondent no.3 to pass suitable orders on the application submitted by the petitioner.

7. The Writ Petition stands disposed of. The respondent no.3 shall decide the application of the petitioner within three months.

8. It is made clear that we have not expressed anything about entitlement of the petitioner to get the benefit of Rule – 57 of the MCS Rules.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)

GGP