

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION 7388/2022

ARUN S/O RUPRAOJI DHAWALE

VS

CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, AMRAVATI

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.R. Saboo, Advocate for the petitioner

Mr. M.G. Rathi, Advocate for respondent

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, J.J.**

DATED : 21/07/2023

Heard.

2. By the present petition the direction is sought to the respondent to consider the pension claim of the petitioner by reckoning the services of the petitioner from the date of appointment on the establishment of Gram Panchayat i.e. from 25.09.1980.

3. We have heard the learned Counsel for the petitioner as well as the respondent.

4. The petitioner was appointed in Gram Panchayat w.e.f. 25.09.1980. Due to 10% quota for the Gram Panchayat employees was reserved in the Zilla Parishad, the petitioner has been appointed on the establishment of the Zilla Parishad in the month of December 2006 and since then, he was working till the date of retirement i.e.

31.01.2019.

5. The learned Counsel for the petitioner vehemently submits that the services of the petitioner from the date of joining as an employee in the Gram Panchayat should be taken into consideration and by considering that date, the petitioner be given the benefit of old pension scheme.

6. Needless to mention that by Government Resolution dated 31.10.2005 the Government of Maharashtra adopted new "Defined Contribution Pension Scheme" to the employees who are appointed on or after 01.11.2005. There is no doubt that earlier services of the petitioner on the establishment of the Gram Panchayat was not pensionable and he has been appointed on the establishment of the Zilla Parishad after the date i.e. 01.11.2005. It is settled principle of law that if the earlier services of the employee is not pensionable, he/she would not be entitled for continuing the earlier service for pension. Therefore, the said services of the petitioner cannot be counted to relate back to his date of appointment in the Gram Panchayat. Therefore, we do not find any merit in the present petition. Accordingly, the writ petition is **dismissed** with no order as to costs.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO J.)