



(1)

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

904 WRIT PETITION NO. 12808 OF 2019

DAGADU MADHAVRAO MUNDHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND
905 WRIT PETITION NO. 9902 OF 2023

SHRIDHAR GANGADHAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

....

Mr A. V. Indrale Patil, Advocate for Petitioners;
Mr S. B. Narwade and Mr S. K. Tambe, A.G.Ps. for Respondent
No.1 in respective Petitions
Mr M. N. Navandar, Advocate for Respondent No.2
Mr P. G. Rodge, Advocate for Respondent No.3 in WP/9902/2023

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 13th February, 2024

PER COURT:

Order below Writ Petition No.12808/2019

1. The prayer put forth in this Writ Petition is that, the temporary service prior to the regularization of the Petitioner in employment, should be taken into account in calculating the 12 years and the 24 years period of service for grant of the Assured Career Progression Scheme (A.C.P.S.) benefits.

(2)

2. The learned Advocate for the Respondent No.2/Vasantrao Naik Marathwada Agricultural University has vehemently opposed this Petition, contending that the entire object of the A.C.P. Scheme would be defeated, if daily wage service or temporary wage service, prior to the Petitioner's regularization in employment is added to his service for the first A.C.P.S. benefits and 24 years for the second A.C.P.S. benefits.

3. The learned Advocate for the Petitioners submits that, this Petition is based on the Government Resolution dated 07/10/2016. The Petitioner's representation dated 01/07/2019 was not entertained by the University on the ground that the A.C.P.S. is not applicable to the Agricultural Universities. In this backdrop, he tenders the recent Government Resolution issued by the Government of Maharashtra, dated 10/11/2023, and contends that, now the A.C.P.S. is made applicable to the Agricultural Universities.

4. The learned Advocate for the Petitioner prays that the Petitioner's case may be considered for such A.C.P.S. benefits by

(3)

taking into account, the temporary service put in by him prior to his regularization in employment.

5. In view of the above, **this Writ Petition is disposed off**, on the request of the Petitioner. His representation dated 01/07/2019, as to whether the Petitioner would be entitled for the A.C.P.S. benefits by reckoning the earlier temporary service, is to be considered by Respondent No.2/ Agricultural University, on its own merits. We make it clear that, we have not expressed any opinion as regards the claim of the Petitioner, and it is left entirely to the wisdom of the University to deal with the said request and pass an appropriate order, as it may deem fit and proper. Let such order be passed within a period of 120 days.

Order below Writ Petition No.9902/2023

6. In Writ Petition No.9902/2023, the request of the Petitioner is for the second A.C.P.S. benefits. He claims that, he has already received his first A.C.P.S. benefits. He draws our attention to the communication dated 13/01/2023, by which, the Respondent No.2/Agricultural University has declared that the A.C.P.S. is not applicable to the said Agricultural University. Hence, the Petitioner relies upon the recent Government

(4)

Resolution dated 10/11/2023 and prays that, his representation dated 16/03/2020, may be reconsidered.

7. The learned Advocate for the University submits that, he would not make any statement today, save and except, that, if the representation of the Petitioner is to be reconsidered, the University would do it. He submits that, in the light of the Government Resolution dated 10/11/2023, the benefits of the A.C.P.S. are not granted to the eligible candidates.

8. In view of the above, **this Writ Petition is disposed off**, by directing Respondent No.2/University, to reconsider the representation of the Petitioner, dated 16/03/2020 in the light of the Government Resolution dated 10/11/2023, on it's own merits and within a period of 120 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk