



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3336 OF 2025

Digambar s/o Parsaram Patil Vs. State of Maharashtra and others
WITH

WRIT PETITION NO.3362 OF 2025

Onkar S/O Gendlal Khobragade Vs. State of Maharashtra and others
WITH

WRIT PETITION NO.3353 OF 2025

Purshottam S/o Gendlal Rahangdale Vs. State of Maharashtra and others
WITH

WRIT PETITION NO.3363 OF 2025

Seema W/o Kishore Phunde (Seema Hattimare) Vs. State of Maharashtra and others

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Shri K.J. Tople, Advocate for petitioners.

Ms Hemlata Jaipurkar, AGP for respondent nos.1,2 and 4/State.

Shri M.I. Dhattrak, Advocate for respondent no.3.

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CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.

DATE : 24.12.2025.

ORAL JUDGMENT : (Per : M.W. Chandwani,J.)

Rule. Rule made returnable forthwith. Heard finally
with the consent of learned counsel for the parties.

2. Since the issue involved in these petitions is identical
and the petitioners are the retired employee of respondent no.3,
they are being disposed of analogously.

3. The petitioners are the retired employees of the
respondent no.3 – Municipal Council, Gondia. Before their
absorption on the regular post they were working as daily wager
with the respondent no.3 – Municipal Council, Gondia.

4. The petitioner in Writ Petition No.3336/2025 was working with respondent no.3 from 27.08.1986 to 27.08.2019 on daily wage basis. The petitioner in Writ Petition No.3362/2025 came to be appointed by respondent no.3 in the year 1986 on daily wage basis till 27.08.2019. The petitioner in Writ Petition No.3353/2025 came to be appointed by respondent no.3 in the year 1986 on daily wage basis till 06.02.2019. The petitioner in Writ Petition No.3362/2025 came to be appointed by respondent no.3 in the year 1989 on daily wage basis till 27.08.2019.

5. Since qualified service for getting pension could not be completed by the petitioners on regular post, by these petitions they are seeking direction to count their service which they have put-in as daily wage basis prior to their regularization, for qualifying service for pension as per Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982 (for short "**Rules of 1982**").

6. We have heard the learned counsel for the petitioners, learned counsel for respondent no.3 as well as learned Assistant Government Pleader for respondent nos.1,2 and 4.

7. There is no dispute that the petitioners were working as daily wagers prior to their regularization on regular post. Rule 57 of the Rules of 1982 reads thus:

“57. Non-pensionable service :-

As exceptions to rule 30, the following are not in pensionable service:-

(a) Government servants who are paid for work done for Government but whose whole time is not retained for the public service,

(b) Government servants who are not in receipt of pay but are remunerated by Honoraria,

(c) Government servants who are paid from contingencies,

(d) Government servants holding posts which have been declared by the authority which created them to be non-pensionable.

(e) Holders of all tenure posts in the Medical Department, whether private practice is allowed to them or not, when they do not have an active or suspended lien on any other permanent posts under Government.

Note 1 - 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.

Note 2- In the case of persons who were holding the posts of Attendants prior to 1st April 1966, one-half of their previous continuous service as Attendants, shall be allowed to count for pension.”

8. Note 1 of Rule 57 of the Rules of 1982 makes it clear that the employees who worked on daily wages prior to bringing them on regular pensionable establishment, their services on daily wage basis can be counted for pension. A similar view has already been taken by this Court (Coram : A.S. Chandurkar and Mrs. Vrushali V. Joshi, JJ) in the case of *Yogeshkumar Vishweshwar Prasad and others Vs. State of Maharashtra and others* (Writ Petition No.2769 of 2019 and connected petition decided on 31.01.2023).

9. In view of the above, the respondent no.3 – Municipal Council, Gondia is directed to consider the services rendered by the petitioners while they were working as daily wagger for the purpose of determining their pensionable service in compliance with Rule 57 of the Rules of 1982. The aforesaid exercise shall be completed within a period of four months from date of this order.

10. Needless to state that, the amount of arrears due to the petitioners on account of pension shall be paid to them within a period of four months from the date of determination of their claim for pension.

11. Accordingly, the writ petitions are disposed of. Rule is made absolute. No order as to costs.

(M.W. CHANDWANI, J.)

(SMT. M.S. JAWALKAR, J.)

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