



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

WRIT PETITION NO. 5188 OF 2024

State of Maharashtra and others

.Vs.

Dr. Rahimullah S. Shaikh

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr Neeraj Patil, AGP for the petitioners/State
Ms Ritu Jog, Advocate for respondent

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : NOVEMBER 25, 2025.

Heard.

2. The State Government has filed this petition questioning the legality and validity of the judgment and order dated 18.09.2023 passed by the Maharashtra Administrative Tribunal, Nagpur in Original Application No.87 of 2022, filed by the respondent.

3. The Maharashtra Administrative Tribunal, Nagpur vide impugned judgment and order dated 18.09.2023 allowed the original application and directed that the services rendered by the respondent on ad-hoc/contract basis shall be taken into account for extending benefits of Career Advancement Scheme (for short 'C.A.S.') and his break in service was condoned for the purpose of pension only. Further, respondent was held entitled to old pension scheme in terms of the Maharashtra Civil Services (Pension) Rules, 1982.

4. The learned Tribunal, while allowing such claim of the respondent, has relied upon previous judgments of Tribunal and judgment of this Court and recorded in para No.11 and 12 as follows:

“11. The applicants have also relied on judgment of Bombay High Court dated 03.07.2019 in W.P. No. 5273/2017. In this case it was found that the petitioner stood on par with the petitioner in W.P.No.4770/2017 to whom benefit of continuation of service was extended by taking into account previous service rendered on ad-hoc basis. On the basis of this conclusion the respondents were directed to consider claim of the petitioner for granting continuity in service by taking into account previous service rendered on ad-hoc basis, placement in service, pensionary/retiral benefits, etc.

12. In the instant cases the applicants were initially appointed since they possessed requisite qualification, after being shortlisted on the basis of their performance in selection process, by Selection Committee though on ad-hoc/contract basis but against sanctioned vacancies. Subsequently they participated in the recruitment process conducted by M.P.S.C. and were selected. Taking into account all these circumstances past service rendered by the applicants on ad-hoc/contract basis till their selection through M.P.S.C. will have to be taken into account for grant of C.A.S./T.B.P.. Break in their service is also required to be condoned for pension purpose. Further, they are entitled to old pension scheme in terms of the Maharashtra Civil Services (Pension) Rules, 1982 since their past service rendered on ad-hoc/contract basis is to be reckoned for the purpose...”

5. Having gone through the above referred paras and on perusal of the record we do not find any merit in the present petition as the findings recorded by the Tribunal are just and proper. Moreover, no perversity has been pointed out

in granting such relief and allowing the original application in favour of the respondent.

6. Thus, in absence of any merit in the present petition, we **dismiss** the same. No order as to costs.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]

Namrata