



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

992 WRIT PETITION NO.12200 OF 2024

PRAKASH KUNDLIK AALNE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.M. Humbe, Advocate for petitioner

Mr. S.K. Tambe, AGP for respondent Nos.1 to 3

Mr. S.S. Bora, Advocate for respondent No.4

Mr. S.B. Joshi, Advocate for respondent No.5

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 17th MARCH, 2026

ORDER :

. The present petition under Article 226 of the Constitution of India seeks a direction to respondents to consider the petitioner's representations dated 28.05.2024 and 11.07.2024, to take into account the petitioner's temporary service for the purpose of granting pensionary benefits, and to refix the petitioner's pension accordingly.

2 The petitioner states that since 10.03.1993 he has been working with respondent No.4 as a Clerk on a temporary basis. Thereafter, on

25.01.2019, respondent No.4 has regularized the services of petitioner with pay scale of Rs.5,200-20,200/- (Grade Pay Rs.1,900/-). It is petitioner's submission that, during the initial period of his employment, he was employed with the Municipal Council, which was subsequently converted into a Municipal Corporation.

3 The petitioner further states that he retired on attaining the age of superannuation on 31.03.2024 and, at the time of his retirement, he was a permanent employee of respondent No.4. The Additional Commissioner, Parbhani City Municipal Corporation, Parbhani, by communication dated 15.01.2014, directed him to comply with the requirements and submit the necessary documents for the purpose of processing his pensionary benefits. Accordingly, the petitioner submitted the requisite documents to the office of respondent No.4.

4 However, the petitioner apprehends that his initial services, during which he was not a permanent employee, will not be counted by the Department for the purpose of granting pensionary benefits. Therefore, he approached respondent No.4 with a request to consider his temporary service for the purpose of pensionary benefits.

5 The representations dated 28.05.2024 and 11.07.2024 submitted

by petitioner to respondent No.4 are annexed to the present petition. In the said representation, the petitioner has provided particulars of his temporary service and has requested the competent authority to take into account his service from 10.03.1993, being the date of his initial appointment, for pensionary benefits, as he served continuously as a temporary employee until his services were regularized and thereafter until his superannuation.

6 The prayer in the present petition is limited for issuing a direction to respondent No.4. The learned AGP waives notice on behalf of Respondent No.1 to 3. Taking into consideration the pendency of representations dated 28.05.2024 and 11.07.2024, we direct respondent No.4 to decide petitioner's representations within a period of three months, if it has not already been decided. We also direct respondent No.4 to decide the representations of petitioner dated 28.05.2024 and 11.07.2024 in accordance with the judgment of this Court in **Jagjeewan Jaikumar Sanghai vs. Parbhani Municipal Corporation, Parbhani** [2018 SCC OnLine Bom 356].

7 With the aforesaid directions, the petition stands **disposed of**. There shall be no order as to costs.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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