



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

993 WRIT PETITION NO.12220 OF 2024

PRASAD KHANDOJI BANKAR
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

...

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 09.03.2023, 26.05.2023 and 06.07.2023, 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 19.08.1988 he has been working with respondent No.4 as a Sanitation Worker on a temporary basis. Thereafter, on 03.05.2021, respondent No.4 has regularized the services of petitioner with pay scale of Rs.4,440-7,400/- (Grade Pay Rs.1,300/-). 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 31.03.2023 and, at the time of his retirement, he was a permanent employee of respondent No.4. Desk Officer, Maharashtra State by its communication dated 15.12.2018 to Commissioner, Parbhani City Municipal Corporation, Parbhani has directed to regularize all the employees working on the establishment of Municipal Council, Parbhani since prior to 10.03.1993. Accordingly, Commissioner, Parbhani City Municipal Corporation, Parbhani by his office order dated 03.05.2021 regularized the services of all employees including petitioner.

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 09.03.2023, 26.05.2023 and 06.07.2023 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 31.08.2001, 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 09.03.2023, 26.05.2023 and 06.07.2023, 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 09.03.2023, 26.05.2023 and 06.07.2023 in accordance with the judgment of this Court in **Jagjeevan 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.)
agd

(SMT. VIBHA KANKANWADI, J.)