

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 492 OF 2026

Nagesh Narayan Barbind

VERSUS

The State Of Maharashtra And Another

...

Mr. Ramchandra J. Nirmal - Advocate for the Petitioner

Mr. R. S. Wani - AGP for the State

...

CORAM : SMT. VIBHA KANKANWADI

AND

HITEN S. VENEGAVKAR, JJ.

DATED : 17TH FEBRUARY, 2026

ORAL ORDER [*Per* Hiten S. Venegavkar, J.] : -

1. The present petition under Article 226 of the Constitution of India seeks a direction to Respondents to consider the Petitioner's representation dated 04.09.2025, 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 1995 he has been working with Respondent No. 2 as a Watchman on a temporary basis. Thereafter, on 03.05.2021, Respondent No. 2 made the services of the Petitioner permanent. It is the 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 31.10.2025 and, at the time of his retirement, he was a permanent employee of Respondent No. 2. The Executive Officer of Respondent No. 2, by communication dated 13.08.2025, 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. 2.

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. 2 with a request to consider his temporary service for the purpose of pensionary benefits.

5. The representation dated 04.09.2025 submitted by the Petitioner to Respondent No. 2 is 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 1995, 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. As the prayer in the present petition is limited to issuing a

direction to Respondent No. 2, we do not find it necessary to issue notice to Respondent No. 2. The learned AGP waives notice on behalf of Respondent No. 1. Taking into consideration the pendency of the representation dated 04.09.2025, we direct Respondent No. 2 to decide the Petitioner's representation within a period of three (3) months, if it has not already been decided. We also direct Respondent No. 2 to decide the representation of the Petitioner dated 04.09.2025 in accordance with the judgment of this Court in *Jagjeewan Jaikumar Sanghai v. Parbhani Municipal Corporation*, reported in 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]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE