



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

WRIT PETITION NO. 2936 OF 2024

Municipal Council, Achalpur

Vs.

Badroddin Ajijoddin

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Rohan Bhisikar h/f. Shri N. R. Bhisikar, Advocate for petitioner.

CORAM :- M. W. CHANDWANI, J.

DATED :- 09.01.2026

Heard.

2. The order dated 21.11.2023 passed in Complaint (ULP) No. 118/2015 by the Industrial Court, Amravati (for short, "the Tribunal") extending the benefits of Note-1 of Rule 57 of the Maharashtra Civil Service (Pension) Rules, 1982 (for short, "the Rule of 1982") to the respondent has been challenged in this petition.

3. The contention is that, the period for which the respondent was working with the petitioner was on daily wages and hence, he cannot be termed as a Government Servant as service rendered by an employee on daily wages cannot be counted for granting pensionary benefits.

4. No doubt, this is the general rule; however, Note-1 of Rule 57 of the Rules of 1982 provides that in case of employees paid from contingencies who are subsequently brought on regular pensionable establishment by conversion of their posts, one half of their previous continuous service shall be allowed to count for pension.

5. Needless to mention that the respondent was absorbed on the regular post and before that he was working with the petitioner on daily wages. Therefore, I do not see any perversity in the impugned order dated 21.11.2023 passed by the Tribunal giving benefits under Note-1 of Rule 57 of the Rules of 1982 by allowing the complaint filed by the respondent.

6. Hence, there is no merit in the petition and accordingly, it is **dismissed**.

(M. W. CHANDWANI, J.)