



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2045/2025

- 1) Ashok s/o Narayanprasad Shukla
a/a 61 yrs., Occ.- Retired
r/o Sai Nagar, Govindpur, Gondia
Tah. & Dist.- Gondia.

... PETITIONER

...VERSUS...

- 1) The State of Maharashtra,
Through its Secretary, Urban Development
Department, Mantralaya, Mumbai- 32.
- 2) The Divisional Commissioner, Nagpur
Division, Nagpur.
- 3) The Gondia Municipal Council through
Chief Officer, Gondia, Tah. & Dist.- Gondia

...RESPONDENTS

Mr. V. R. Borkar, counsel for the petitioner
Mr. S. V. Narale, AGP for respondent/State
Mr. M. I. Dhatrak, counsel for the respondent no. 3

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATED : 12th JANUARY, 2026.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

2. On 12.01.2026, when queried, the learned counsels for the parties agreed that the subject matter of the petition is covered by the judicial pronouncements of this Court in Writ Petition No. 3336 of 2025 and companion writ petitions, decided by the co-ordinate Benches of this Court. We had accordingly allowed the said petition and stated that reasons would follow. Accordingly, reasons are stated herein under:-

3. The petitioner in the present petition prays for release of retirement benefits, such as pension and gratuity, to him, after calculating his service from 13.05.1978 till 31.12.2023, as per the provisions of Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982.

4. The facts, as stated in the petition and as depicted from the record, are that on 13.05.1978, the petitioner was appointed as a daily wager with the respondent no. 3, till his regular absorption on

27.04.2018 on the post of Wallman. Thereafter, on 31.12.2023, the petitioner superannuated from the said post on completing the age of superannuation. It is the contention of the petitioner that, even though he had made a representation to consider his past temporary service for calculating and paying the retirement benefits, the respondents have not paid any heed to the same.

5. We have heard Mr. V. R. Borkar, learned counsel for the petitioner, as also Mr. S. V. Narale, learned AGP for the respondent/State, and Mr. M. I. Dhatrak, learned counsel appearing for the respondent no. 3 - Municipal Council.

6. The learned counsel for the petitioner submits that an identical subject matter has been considered by this Court in Writ Petition No. 4409/2023, as also in other writ petitions.

7. We have considered the said judgments of the co-ordinate Benches of this Court. The learned counsel for the respondent no. 3 – Municipal Council submits that Clause (1) of the regularization order dated 27.04.2018 specifies that the length of service in a temporary post will not be considered for any service or financial

benefits. However, Note-1 below Rule 57 of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, "Rules of 1982"), specifies that, in the case of employees paid from contingencies who are subsequently brought on a regular pensionable establishment by conversion of their post, one-half of their previous continuous service shall be allowed to count for pension. In the present case, there is no dispute regarding the services of the petitioner till his superannuation, and that too without break. Thus, in our view, clause (1) runs contrary to the statutory provision of Rule 57 quoted supra. The said Note of Rule 57 of the Rules of 1982 makes it clear that the employees who worked on daily wages prior to being brought on a regular pensionable establishment, their services on daily wages can be counted for pension. In view of the above, we pass the following order:-

ORDER

- i) Writ Petition is allowed.
- ii) We direct the respondent no. 3 to release the retirement

benefits, such as pension and gratuity, to the petitioner, after calculating and taking into consideration the length of service rendered by him while he was working as a daily wager, in compliance with Rule 57 of the Rules of 1982.

iii) We further direct that the aforesaid exercise should be completed within four months from the date of this order.

iv) It is further directed that, after such determination, the amount of arrears due to the petitioner shall be paid to him within a further period of two months from the date of such determination.

v) Rule is made absolute in the aforesaid terms, and the writ petition is disposed of, with no order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Shubham