

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 1027/ 2021 (S.B.)**

Dr. Manjusha Pandharinath Kulkarni @  
Manjusha Chandrashekhar Kulkarni,  
Aged about 45 years,  
Occupation : Service as Assistant Professor (Sanskrit)  
Vasantrya Naik Government Institute of Arts & Huminity,  
Nagpur, R/o Saket, 25, Jayavant Palkar Marg,  
Opp. Poddar Hospital, Worli, Mumbai-400 030.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Principal Secretary,  
Higher & Technical Education Department,  
Mantralaya, Mumbai- 32.
- 2) The Director,  
Directorate of Higher Education Department,  
Central Building,  
Pune-1.
- 3) The Maharashtra Public Service Commission,  
Through its Secretary, Bank of India Building,  
3<sup>rd</sup> Floor, Mahatma Gandhi Road,  
Hutatma Chowk, Mumbai (formal party).
- 4) The Vasantrya Naik  
Government Institute of Arts and Social Sciences,  
Nagpur, through its Principal.

**Respondents**

**WITH**

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**ORIGINAL APPLICATION No. 87/ 2022 (S.B.)**

Dr. Rahimullah S. Shaikh,  
Aged about 45 years,  
Working as Assistant Professor in the Department of Chemistry  
At Institute of Science,  
RT Road, Civil Lines, Nagpur-440 001.

R/o Pundlik Baba Nagar, Tawar Line Road,  
Amravati-444 602.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Principal Secretary,  
Higher & Technical Education Department,  
Mantralaya, Mumbai- 32.
- 2) The Director of Higher Education,  
(M.S.), Pune,  
Having its office at Central Building,  
Pune-1.
- 3) Institute of Science, R.T. Road,  
Civil Lines, Nagpur-440 001,  
through its Director.

**Respondents**

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**Smt. R.P.Jog, Id. Advocate for the applicants.**

**Shri S.A.Sainis, Id. P.O. for the Respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGEMENT**

**Judgment is reserved on 22<sup>nd</sup> Aug., 2023.**

**Judgment is pronounced on 18<sup>th</sup> Sep., 2023.**

Heard Smt. R.P.Jog, Id. counsel for the applicants and Shri  
S.A.Sainis, Id. P.O. for the Respondents.

2. By this common judgment these O.As. are being decided since the issues involved therein are common.

Facts of O.A. No. 1027/2021 :-

By order dated 22.08.2002 (A-14) the applicant was appointed as Reader, after undergoing selection process, on contract/ temporary basis on consolidated monthly pay of Rs. 8000 for academic year 2002-2003. Her tenure was extended from time to time, as detailed in chart at P. 173, till she was regularly appointed by M.P.S.C. by order dated 04.11.2011. These details are as under:-

कंत्राटी प्रथम नियुक्ति दिनांक	कंत्राटी प्रथम रुजु दिनांक	कंत्राटी सेवा केलेल्या शासकीय महाविद्यालये व सेवा कालावधी	सेवाखंड कालावधी	महाराष्ट्र लोकसेवा आयोगामार्फत नियुक्ति शासन निर्णय दिनांक	महाराष्ट्र लोकसेवा आयोगामार्फत रुजु दिनांक	सध्या कार्यरत महा/संस्था
०६	०७	०८	०९	१०	११	१२
२७/०८/२००२	२८-०८-२००२	शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती	एकूण २५२ दिवस	एससीपी-२००७/(१२/०७)/मशि-२ दि. २६/०९/२००७	२७/०९/२००७	शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती
२७/०८/२००२	२८-०८-२००२	१) शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती, २८.०८.२००२ ते १७.०८.२००५ २) शासकीय ज्ञान विज्ञान महाविद्यालय, औरंगाबाद १८.०८.२००५ ते ३०.०४.२०१० ३) कवि कुलगुरु कालीदास संस्कृत विद्यापीठ रामटेक नागपूर २४.०५.२०१० ते	१) २१.०४.२००३ ते ०३.०८.२००३=१०४ दि २) ०१.०५.२००४ ते २०.०६.२००४ = ५० दि ३) ०१.०५.२००५ ते १९.०६.२००५ = ४९ दि ४) ०१.०५.२००६ ते १५.०७.२००६ = ७६ दि ५) ०१.०५.२००७ ते २०.०६.२००७ = ५० दि ६) ०१.०५.२००८ ते २२.०६.२००८ = ५२ दि ७) ०१.०५.२००९ ते २१.०६.२००९ = ५१ दि ८) ०१.०५.२०१० ते २३.०५.२०१० = २३ दि	नियुक्ति-२०११/(२३८/११)/मशि-१, दि. ०४/११/२०११	०९/११/२०११	शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती

		०८.११.२०११	एकूण ४५५ दिवस सेवाखंड			
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Relevant part of prayer (ii) in O.A.No.1027 of 2021 reads as under:-

*ii) The Respondents be directed to grant continuity of service/counting of service by regularizing the services of the applicant herein from the date of her initial appointment on contractual basis as also period of service from 24/05/2010 to 08/11/2011 with Kalidas University, Nagpur, with all consequential benefits including Pension, CAS, counting in service etc. thereto at par with the contractual employees in the Writ Petition No.2046/2010 before the Nagpur Bench of the Hon'ble Bombay High Court decided vide order dated 19.10.2013 and in common Judgment and Order dated 26.06.2015 of this Hon'ble Tribunal in O.A.No.781/2015 and O.A.No.150/2015 and O.A.No.868/2014, as also the Govt. Resolution dated 23.03.2016;*

*(a) By a suitable order/direction, Hon'ble Tribunal, Nagpur may be pleased to direct the respondents to invoke the doctrine of 'similarly situated persons' in favour of the applicant by extending the benefit of the decision of the Hon'ble Tribunal rendered in the matter of the colleague of the applicant by name Dr. Babasaheb D. Bhosale in O.A. no.43 of 2018, decided on 06.03.2020 and accordingly the applicant be granted all the consequential service benefits that are given to the said employee in the interest of justice;*

**Facts of O.A. No. 87/2022 :-**

By order dated 22.08.2004 the applicant was appointed as Reader, after undergoing selection process, on contract/ temporary basis on consolidated monthly pay of Rs. 8000 for the tenure ending on 30.04.2005. Details of his initial and extended tenure till his regular appointment as Probationary Assistant Professor made by respondent no. 1 through M.P.S.C., by order dated 04.11.2011 (A-2) are as follows:-

<b>Academic Year</b>	<b>Break due in Service</b>
2004-2005	01.05.2005 – 13.06.2005 = 44 days
2005-2006	01.05.2006 – 16.07.2006 = 77 days
2006-2007	01.05.2007 – 04.07.2007 = 65 days
2007-2008	01.05.2008 – 12.08.2008 = 104 days
2009-2010	01.05.2010 – 17.08.2010 = 109 days
2010-2011	01.05.2011 – 19.06.2011 = 50 days
<b>Total</b>	<b>449 days</b>
<b>Total break including summer and regular service is 449 days.</b>	

Prayer A in O.A. No. 87 of 2012 reads as under:-

By a suitable order / direction, this Hon'ble Tribunal may be pleased to direct the respondents to invoke the doctrine of "similarly situated persons" in favour of the applicant by extending the benefit of the decision of the Hon'ble Tribunal rendered in the matter of the colleague of the applicant by name Dr. [Smt.] Anjali Rajendra Patil in O.A. No. 367 of 2020 Tribunal Mumbai as per this order Govt., issued G.R. dated 10.03.2021 and accordingly the applicant be granted all the consequential service benefits.

3. At the time of final hearing, in both the O.As. separate pursis

was filed which reads as under:-

The applicant in the present original application is seeking applicability of CAS (Career Advancement Scheme) benefits and applicability of old pension scheme by considering her Ad-hoc/contractual services by condoning technical breaks in the same from the date of his initial appointment on contractual/ad-hoc basis as also period of service (i.e. from 21/9/2004 to 8/11/2011 in O.A.No.87/2022 and in O.A.No.1027/2021 from 28.08.2002 to 23.05.2010 and from 24.05.2010 to 08.11.2011).

The applicant is claiming these two benefits on the basis of parity and various guidelines by UGC, adopted by the State of Maharashtra and various Govt. Resolutions and Circulars in relation to the same. Copies of the judgments delivered by the Hon'ble High Court as well as by this Hon'ble Tribunal and various Circulars or Govt Resolutions are already

on record. The applicant is not claiming regularization or any monetary benefits arising therefrom i.e. of contractual period.

4. To resist these O.As. the respondents have contended that the applicants were appointed on contract basis. No right of continuation, regularization, confirmation had ever vested in them. This was plainly stated in their initial letter of appointment. They had also executed bond to abide by the terms and conditions attaching to their appointment. Various orders and G.Rs. on which the applicants may rely were fact related. Hence, the applicants are not entitled to any relief.

5. In O.A. No. 87/2022, G.R. dated 10.03.2021 is at A-4. It reads as under:-

वाचा :- शासन निर्णय, उच्च व तंत्रशिक्षण विभाग क्र. नियुक्ती-२०१६/(प्र.क्र.०७/१६)/मशि-१, दिनांक २३.३.२०१६.

प्रस्तावना :- उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील शासकीय महाविद्यालये/संस्थामधील हंगामी/कंत्राटी अधिव्याख्यात्यांच्या सेवा शासन निर्णय, उच्च व तंत्रशिक्षण विभाग क्र. नियुक्ती-२०१६ (प्र.क्र.०७/१६)/मशि-१, दिनांक २३.०३.२०१६ अन्वये नियमित करण्यात आल्या आहेत. श्रीम. अंजली पाटील या दिनांक २२.८.२००४ ते दिनांक १०.९.२००७ या कालावधीत कंत्राटी अधिव्याख्याता म्हणून शासकीय महाविद्यालयात कार्यरत होत्या. तदनंतर त्यांची महाराष्ट्र लोकसेवा आयोगामार्फत शिफारस होऊन त्या दिनांक ११.०९.२००७ रोजी शासकीय सेवेत सहाय्यक प्राध्यापक पदावर रुजू झाल्या श्रीम. अंजली पाटील यांनी कंत्राटी सेवा नियमित करण्यासाठी मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई येथे मूळ अर्ज क्र. ३६७/२०२० दाखल केला आहे. अशाच प्रकारच्या समान प्रकरणी मूळ अर्ज क्र. ४३/२०१८ (श्री. बाबासाहेब भोसले) मध्ये मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण, नागपूर यांनी दिनांक ०६.०३.२०२० रोजी दिलेल्या आदेशास अनुसरून श्री. बाबासाहेब भोसले यांची लोकसेवा आयोगामार्फत नियुक्ती

होण्यापूर्वीची दिनांक २४.०८.२००२ ते दिनांक १०.०९.२००७ या कालावधीतील कंत्राटी सेवा नियमित करण्यास शासन निर्णय दिनांक १६.२.२०२१ अन्वये मान्यता देण्यात आली आहे. त्यास अनुसरून श्रीम. अंजली पाटील यांची कंत्राटी सेवा नियमित करून त्यांना तदनुषंगिक लाभ देण्याची बाब शासनालास विचाराधीन होती.

शासन निर्णय :- श्रीम. अंजली पाटील यांनी कंत्राटी सेवा नियमित करण्यासाठी मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई येथे दाखल केलेल्या मूळ अर्ज क्र. ३६७/२०२० च्या अनुषंगाने श्रीम. अंजली पाटील यांची दिनांक २२.८.२००४ ते दिनांक १०.९.२००७ या कालावधीतील कंत्राटी सेवा ही तदर्थ सेवा म्हणून ग्राह्य धरून सदर सेवा ही शासन निर्णय, उच्च व तंत्रशिक्षण विभाग नियुक्ती २०१६/(प्र.क्र.०७/१६)/मशि-१. दिनांक २३.३.२०१६ अन्वये, ज्या अटी व शर्तीच्या पूर्ततेनंतर व ज्या ज्या प्रयोजनासाठी, संबंधित शिक्षकवर्गीय कर्मचा-यांची कंत्राटी/हंगामी सेवा नियमित केली, त्या त्या अटी व शर्तीच्या पूर्ततेनंतर त्या त्या प्रयोजनासाठी नियमित करण्यात येत आहे.

२. तसेच श्रीम. अंजली पाटील यांचा दिनांक २२.८.२००४ ते दिनांक १०.९.२००७ या कालावधीतील उन्हाळी सुट्टीचा कालावधी हा तांत्रिक खंड समजून सदर सेवाखंड मनासे (निवृत्तीवेतन) नियम, १९८२ मधील नियम ४८(१) नुसार क्षमापित करण्यास मान्यता देण्यात येत आहे. तथापि सदर सेवाखंडाचा कालावधी निवृत्तीवेतनासाठी व इतर कोणत्याही लाभासाठी अर्हताकारी सेवा म्हणून ग्राह्य धरता येणार नाही.

३. तसेच सदर मान्यता एक अपवादात्मक बाब तसेच या प्रकरणाचा अन्य प्रकरणी पूर्वोदाहरण म्हणून उपयोग करता येणार नाही या अटीच्या अधिन राहून देण्यात येत आहे.

6. The applicants have relied on the judgment of Principal Bench of this Tribunal dated 06.03.2020 in O.A. No. 43/2018 (Dr. Babasaheb D. Bhosale Vs. State of Maharashtra & 2 Ors.). Relevant part of this judgment reads as under:-

*1. The Applicant is seeking declaration that the services rendered by him during contractual appointment from 24.08.2002 to 10.09.2007 be treated as ad-hoc appointment for consideration of grant of benefit of*

*Assured Career Progression Scheme (ACPS) and entitlement of pension under the provisions of Maharashtra Civil Services (Pension) Rules, 1982 (hereinafter referred to as 'Rules of 1982' for brevity) invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.*

*2. Uncontroverted facts giving rise to this application are as under:-*

*(i) The Applicant is M.Sc. with S.E.T. and Ph.D. In pursuance of Advertisement dated 01.06.2002 (Page No.105 of Paper Book), he applied for the post of Assistant Professor and was appointed on contract basis by order dated 22nd August, 2002 on consolidated salary of Rs.8000/-.*

*(ii) The Applicant accordingly joined as Assistant Professor at Rajaram College, Kolhapur on 24.08.2002. Thereafter, he was continued in service on contractual basis with technical break of Summer Vacation till 30.04.2007 in view of fresh orders of appointment issued from time to time.*

*(iii) The Applicant later got selected by communication through MPSC by order dated 10.09.2007 in regular pay scale of Rs.8000-275-13500 and was continued at Rajaram College, Kolhapur. He accordingly joined regular services w.e.f.11.09.2007. Since then, he is in regular service.*

*(iv) The Government by order dated 14.05.2012 regularized the services of similarly situated Assistant Professors viz. Dr. Vishakha Saoji, Dr. Mamta Upgade, Smt. Chhaya C. Patil, Smt. Anita M. Malge and Shri Bhimrao M. Patil in regular pay scale of Rs.15600-39400.*

*(v) The Government vide G.R. dated 23.03.2016 regularized the services of above named Assistant Professors w.e.f. initial date of appointment which was in 2002 and were held entitled for regular pension scheme existing in 2002.*

*(vi) The Applicant made representation to extend the same benefit to him for regularizing his service from initial date of appointment with consequential service benefits, but the same was not responded by the Government.*

*3. Though the Applicant has claimed various reliefs in O.A, during the course of submission, Shri M.D. Lonkar, learned Advocate for the Applicant restricted his claim to the following prayers as mentioned in Clause Nos.15(c), (d) and (e), which are as follows :-*

*“(c) This Hon’ble Tribunal be pleased to hold and declare that the services rendered by the Petitioner during contractual employment i.e. from 24.08.2002 to 10.09.2007 deserves to be*



*treated as ad-hoc employment and the same is also to be considered for grant of benefit under Career Advancement Scheme with consequential benefits.*

*(d) This Hon'ble Tribunal further be pleased to hold and declare that the Petitioner is entitled to claim condonation of breaks in service i.e. Sumer Vacation, which were of technical nature and beyond the control of the present Petitioner during the contractual employment i.e. from 24.08.2002 to 10.09.2007.*

*(e) This Hon'ble Tribunal further be pleased to hold and declare that the old pension scheme is applicable to the Petitioner in consonance with the provisions of Maharashtra Civil Services (Pension) Rules of 1982 as has been made applicable to those who were initially appointed like the present Petitioner on contractual basis and subsequently treated as ad-hoc and then regularly absorbed."*

*A) The Original Application is allowed partly.*

*(B) It is hereby declared that the period of employment of the Applicant from 24.08.2002 to 10.09.2007 be treated as adhoc employee for consideration of the benefit of Time Bound Promotion.*

*(C) The Applicant's break in service of Summer Vacation being of technical nature and beyond the control of Applicant deserves to be condoned for the purpose of continuity in service except for monetary benefits in the form of payment of yearly increment and pay fixation.*

*(D) The Applicant is held entitled for old pension scheme i.e. M.C.S. (Pension) Rules, 1982.*

*(E) No order as to costs.*

In this judgment it was concluded:-

A. The posts for which applications were invited were vacant posts.

B. Selection was duly made by Selection Committee.

C. Tenure was extended from time to time till regular appointment through M.P.S.C..

D. Services of Dr. Vishakha Saoji and 4 others were regularized and benefits of permanency and old pension scheme were extended to them. The applicant in the said O.A. was found to be similarly placed. G.R. dated 23.03.2016 *inter alia* referred to the decision of Hon'ble Bombay High Court in W.P. No. 526/2015 and case of Dr. Vishakha Saoji and 4 others. Thus, decision in W.P. No. 526/2015 was implemented by issuing G.R. dated 23.03.2016.

7. While allowing O.A. No. 43/2018 this Tribunal relied on judgments of Bombay High Court in W.P.No.9051/2013 (State of Maharashtra Vs. Meena Kuwalekar) and W.P.No.34/2016 (Rajasaheb Marotkar Vs. State of Maharashtra, decided on 14.12.2017).

8. The applicants have also relied on judgment of Principal Bench of this Tribunal dated 23.06.2023 in O.A. No. 805/2021 wherein identical view was taken by relying *inter alia* on judgment dated 06.03.2020 in O.A. No. 43/2018. In this O.A. uncontroverted facts were set out as follows:-

*(i) Applicant Nos.1 to 6 and 9 were initially appointed as ad-hoc Lecturer as shown in the Chart in between 2000 to 2005 through duly constituted Selection Board.*

*(ii) Applicant Nos.7 and 8 were appointed on contract basis in 2005 on consolidated pay of Rs.8000/- per month.*

*(iii) In appointment orders, there is specific stipulation that they were appointed till the availability of candidates through MPSC and on any such appointment through MPSC, their candidature would stand cancelled.*

*(iv) Later, MPSC initiated process to fill-in the post of Lecturers on regular basis in which Applicants participated and were appointed as Lecturers in Government College in 2006-2007 and 2012 as shown in the Chart.*

The contesting respondents in this O.A. conceded in the reply that the applicants were entitled to Career Advancement Scheme (C.A.S.) benefits as per G.R. dated 11.02.1994. In paras 8 to 10 it was observed:-

*8. At the very outset, it needs to be clarified that Applicants' claim raised in this O.A. stems from the various decisions rendered by Hon'ble High Court as well as Tribunal and implemented by the Government giving benefits of initial service rendered as ad-hoc employees by regularizing their services from initial date of appointment. To begin with, in this behalf, Hon'ble High Court in Writ Petition No.526/2015 and 850/2015 [Sahabrao Balaso Kashid Vs. State of Maharashtra & Ors.] decided on 03.02.2015 issued following directions.*

*"The Respondents are directed to regularize the services of the petitioners and confer permanency. The respondents are directed to absorb the petitioners in service within a period of six weeks, on parity with the petitioners in Writ Petition No.2046/2010. Since the petitioners are in continuous employment, the petitioners should be continued in service as the regular employees. We direct the respondents to pay the regular salary to the petitioners from 1.09.2015. Though the petitioners would be entitled to continuity in service, the said continuity would be for purposes other than monetary purposes."*

*9. Later, Tribunal in O.A.No.781/2013, 868/2014 and 150/2015 decided on 26.06.2015 issued directions which are as under :-*

*"The Respondents are hereby directed to regularize the services of the Applicants Nos.1 to 13 and 15 to 20 in O.A.No.781/2013 and the Applicants in O.A.150/2015 and 868/2014 and confer permanency to them. The Respondents shall absorb the*

*Applicants just referred to by 31st July, 2015 and the said Applicants will continue in service as regular employees. However, in the facts and circumstances of the case, we direct that the Applicants shall be entitled to regular salary from 1st August, 2015 and would not be entitled to claim any monetary benefits for the past services rendered by them in spite of their regularization. Needless to state that since the above referred Applicants' services are regularized, they shall be entitled to the continuity and service for all other purposes except monetary purposes from the date of their first appointment. The government may take an appropriate decision about the scheme of pension applicable to the Applicants."*

*10. Admittedly, Government implemented the aforesaid orders by issuing G.R. dated 23.03.2016 (Page No. 27 of O.A.) and regularized their services from the date of initial appointment with consequential service benefits except monetary benefits. In G.R. dated 23.03.2016, there is specific reference of the decisions rendered by Hon'ble High Court as well as Tribunal.*

In para 12 it was observed:-

*12. Shri Deshmukh, learned Advocate for the Applicants also placed reliance on the decision rendered by the Tribunal in O.A.No.34/2016 (Rajesaheb Marodkar Vs. State of Maharashtra) decided on 14.02.2017 and in O.A.No.43/2018 (Babasaheb D. Bhosale Vs. State of Maharashtra) decided on 06.03.2020. Admittedly, both these decisions were implemented by the Government without assailing the same before Hon'ble High Court.*

In para 16 it was observed:-

*16. True, the Applicants are contributing in DCPS pension scheme which has come into effect from 01.11.2005. However, once they are found entitled to old pension scheme by counting their service rendered as adhoc/contract basis, the contribution towards DCPS hardly matters. All that, the contribution made by the Applicants in DCPS scheme will have to be credited into GPF scheme. In case of some of the Applicants, during their ad-hoc service itself, GPF Account was opened.*

9. The applicants have further relied on judgment of this Bench dated 14.07.2022 in O.A. No. 38/2021. In this O.A. the applicant was found entitled to benefit of parity with persons whose services were

regularized by G.R. dated 13.03.2015 pursuant to judgment of the Bombay High Court in W.P. Nos. 10145/2014 and 7461/2014.

10. In all the above referred judgments of this Tribunal reliance was placed *inter alia* on Circular of Law and Judiciary Department of Government of Maharashtra dated 28.02.2017 which states:-

2. *The Hon'ble Tribunal, in Para 8 of aforesaid Judgment, has observed as under:-*

*"If a principle of general applicability is capable of being culled out from a particular pronouncement of this Tribunal, then similarly placed employees, though not before the Tribunal should be given the benefit thereof without actually moving this Tribunal for relief. If on the other hand, the relief is person specific, then of course, this direction will not apply."*

*Therefore, the Hon'ble Tribunal has directed the undersigned to inform all the concerned departments regarding applicability of general judicial principle as explained in Para 8 of the aforesaid Judgment.*

3. *The Hon'ble Supreme Court in the case of State of Uttar Pradesh & Ors Vs. Arvind Kumar Srivastava reported in 2015 (1) SCC 347 has laid down similar principle, thus:*

*"Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently".*

4. *In view of the above, all the departments are hereby directed to take action according to the above directions given by the Hon'ble Maharashtra Administrative Tribunal, reiterating the legal position expounded by the Hon'ble Supreme Court.*

*5. The aforesaid directions be also brought to the notice of the offices under the administrative control of the departments.*

11. The applicants have also relied on judgment of Bombay High Court dated 03.07.2019 in W.P. No. 5273/2017. In this case it was found that the petitioner stood on par with the petitioner in W.P.No.4770/2017 to whom benefit of continuation of service was extended by taking into account previous service rendered on ad-hoc basis. On the basis of this conclusion the respondents were directed to consider claim of the petitioner for granting continuity in service by taking into account previous service rendered on ad-hoc basis, placement in service, pensionary/retiral benefits, etc.

12. In the instant cases the applicants were initially appointed since they possessed requisite qualification, after being shortlisted on the basis of their performance in selection process, by Selection Committee though on ad-hoc/ contract basis but against sanctioned vacancies. Subsequently they participated in the recruitment process conducted by M.P.S.C. and were selected. Taking into account all these circumstances past service rendered by the applicants on ad-hoc/contract basis till their selection through M.P.S.C. will have to be taken into account for grant of C.A.S./T.B.P.. Break in their service is also required to be condoned for pension purpose. Further, they are entitled

to old pension scheme in terms of the Maharashtra Civil Services (Pension) Rules, 1982 since their past service rendered on ad-hoc/contract basis is to be reckoned for the purpose. Hence, the order:-

**O R D E R**

- A. The O.As. are allowed.
- B. Services rendered by the applicants on ad-hoc/contract basis shall be taken into account for extending benefits of C.A.S. to them.
- C. Their break in service is to condoned for the purpose of pension only.
- D. They are held entitled to old pension scheme in terms of the Maharashtra Civil Services (Pension) Rules, 1982.
- D1. These benefits shall be extended and amount paid within three months from today.
- E. No order as to costs.

**(Shri M.A.Lovekar)**  
**Member (J)**

**Dated :-18/09/2023.**  
**aps**





I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 18/09/2023.  
and pronounced on

Uploaded on : 20/09/2023.