



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

WRIT PETITION NO. 4892 OF 2025

State of Maharashtra and others

.Vs.

Dr. Murlidhar Prabhakar Rao Wadekar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr N. S. Rao, AGP for the petitioners/State
Ms Ritu Jog, Advocate for respondent

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 26th MARCH, 2026.

Heard.

2. The State Government has filed this petition questioning the legality and validity of the judgment and order dated 29.11.2024 passed by the Maharashtra Administrative Tribunal, Nagpur in Original Application No.231 of 2021, filed by the respondent.

3. The Maharashtra Administrative Tribunal, Nagpur vide impugned judgment and order dated 29.11.2024 allowed the original application and held that the respondent is entitled for protection of pay by counting his earlier service from 01.08.2001 to 30.12.2011 and revision of his salary. The learned Tribunal further directed to revise the salary of the respondent granting pay protection and further directed to count his earlier service from 01.08.2001 to 30.12.2011 for the purpose of pension and pensionary benefits and also directed that the respondent is entitled for old pension scheme in



pursuance to Maharashtra Civil Services (Pension) Rules, 1982.

4. The learned Tribunal, while allowing such claim of the respondent, has relied upon previous judgments of Tribunal and judgment of this Court and recorded in para No.6 to 12 as follows:

“6 The applicant has also relied on the Judgment of this Tribunal dated 14.02.2017 (Annexure A-7) in O.A.No.34/2016 in the case of Rajesaheb Dasrao Morodkar Vs. the State of Maharashtra and 4 Others. In this case the Tribunal inter alia relied on the following observations made by the Hon'ble Bombay High Court in Writ Petition No.9051/2013 (State of Maharashtra Vs. Smt.Meena A.Kuvalekar) -

(i) "The appointments, though styled as 'temporary's were made to permanent, clear, substantive and sanctioned vacancies;

(ii) The names of the respondents-employees were sponsored by respective Employment Exchanges or other authorised agencies;

(iii) The selection process was fair, transparent and above board.

(v) The respondents-employees fulfilled the qualifications prescribed in the recruitment rules as applicable'

(v) From the date of initial appointments, the respondents-employees were placed in the regular pay scale applicable to the posts to which they came to be appointed.

(vi) The services of the respondents-employees, from the date of their initial appointments, have been taken into consideration for various service benefits, including Increments, leave, transfer, opening of GPF account, opening of service book and pension etc.;

(vii) The services of the respondents-employees, from the date of their initial appointments, however, do not appear to have been taken into consideration for purposes of seniority or functional promotion;

(viii) It is not even the case of the State Government that the appointment of the respondents-employees were on daily wage basis or on work charged basis.

7. The respondents on the other hand, have relied on a Common Judgment of the Hon'ble Bombay



High Court dated 13.10.2022 in a batch of Writ Petitions. The opening para of this Judgment reads as under -

In this batch of writ petitions a challenge has been raised to the direction issued by the Maharashtra Administrative Tribunal, Nagpur (for short, the Tribunal) to regularise the services of 25 Lecturers in various colleges in the faculty of Arts that are administered by the State Government as well as to confer permanency to them. It has been further directed that the said Lecturers would be entitled for regular salary from 01.10.2019 but would not be entitled to claim any monetary benefits for the services rendered by them earlier. The benefit of continuity in service has been granted for all other purposes. Consequentially the process of recruitment initiated by the State Government through the Maharashtra Public Service Commission (MPSC) has been quashed to the extent of the posts held by the aforesaid Lecturers.

8. *The respondents have also relied on a Common Judgment of the Bombay High Court dated 20.09.2022 in a batch of Writ Petitions opening para of which reads as under-*

By present petitions, petitioners seek regularization of their services and all benefits of permanency including deemed date with effect from 01 April 2016. The petitioners also seek directions for payment in the pay scales prescribed by the University Grant Commission (for short "U.G.C."). They are working as lecturers in various departments/subjects in Shri Guru Govind Singhji Institution of Engineering and Technology. Nanded and had rendered about 3/5 years of service on the date of filing of the petitions.

Both these Judgments are clearly distinguishable on facts.

9. *So far as Judgment of this Bench in O.A.No.34/2016 dated 14.02.2017 is concerned, the applicant has pleaded in his rejoinder-*

It is submitted that one Shri. Rajesheb Dasrao Marodkar had filed O.A.no. 34/2016 in this Hon'ble Tribunal for pay fixation and seeking all benefits. The Hon'ble tribunal was pleased to allow the Original Application vide order dated 14.02.2017 and held that the applicant therein i.e. Shri. Marodkar was entitled for the continuity in service, pension and pensionary benefits. It is submitted that the respondents have challenged this order before the Hon'ble High Court by writ petition No.5127/2017. It is submitted that Hon'ble High Court on 24.02.2018 has passed



following order in the W.P.No.5127/2017

"We Stay the order of the tribunal only to the extent that it directs the petitioners to pay the arrears of difference of salary to the respondent in terms of pay fixation during the pendency of the writ petition." It is submitted that the applicant is similarly situated as Shri. Marodkar and therefore the applicant is also entitled for the pay fixation and old pension scheme and its benefits. A copy of the order dated 24.2.2018 passed by the Hon'ble High Court in W.P.No.5127/2017 is annexed here and marked as ANNEXURE-A-11.

The applicant has further reiterated -

9. *It is submitted that the Selection Committee of MPSC recommends the lecturer and Selection Committee constituted by government recommend lecturer on ad-hoc basis. MPSC followed the rules and regulation of government for recruitment of lecturer. Both MPSC recommend or on ad-hoc basis lecturer recruited through government rules and regulation. The ad-hoc basis lecturer appointed on regular pay scale (8000-275-13500 as per fifth pay, 15600-39100, AGP 6000 as per sixth pay) for academic session and thereafter petitioner continued till duly selected candidate become available from MPSC. Therefore, applicant is entitled to get all service benefit.*

10. *It is submitted that the Applicant is regular employee working as associate professor recommended by MPSC since 29.12.2011. The applicant has claimed that his past service rendered as ad-hoc employee should be counted for the purpose of service benefit including condonation of break in service, pay fixation, yearly increment and old pension scheme (existing at the time of first appointment) without monetary benefit not for regularization of services of past ad-hoc service. It is further submitted that recently the Judgement passed by Hon'ble High Court Nagpur bench in Writ Petition 5273/2017 dated 03.07.2019 and based on this judgement all benefit to the contractual employee is given vide Government order dated 09.12.2021 in which break of 23 months 19 days in contractual services has been condoned and given benefit to the petitioner. A Copy of the judgement dated 9.12.2021 passed in Writ Petition No.5273/2017 is annexed here and marked as ANNEXURE-A-12.*

10. *The applicant has also relied on the Judgment of Principal Bench of this Tribunal dated 06.03.2020 in O.A.No.43/2018 (Annexure A- 13) wherein it was held-*

In view of above, I have no hesitation to sum-up that the



Applicant's employment from 24.08.2002 to 10.09.2007 deserves to be treated as ad-hoc employment worth to consider for grant of benefit of ACPS and the technical break of Summer Vacation in between appointment order deserves to be condoned for the benefit of continuity of service except consequential monetary benefits in the form of payment of increment and pay fixation in the said period. Similarly, he is entitled for old pension scheme i.e. Maharashtra Civil Services (Pension) Rules, 1982 on par with Dr. Vishakha Saoji & 4 others. The O.A., therefore, deserves to be allowed partly.

11. *The applicant has further relied on G.Rs. Dated 23.11.2016 and 15.12.2020 relevant portions of which read as under-*

शासन निर्णय-

महाराष्ट्र लोकसेवा आयोग पुरस्कृत उमेदवार श्री किरण गंगाधर धांडोरे यांची ग्रंथालय संचालक, महाराष्ट्र शासन, ग्रंथालय सेवा गट अ या पदावर दि. ०७/०७/२०१५ (म.पू.) पासून नियुक्ती करण्यात आली आहे. नियुक्तीपूर्वी श्री. किरण गंगाधर धांडोरे हे आर.पी. गोगटे कला य विज्ञान आणि आर.व्ही. जोगळेकर वाणिज्य महाविद्यालय, रत्नागिरी येथे दि. ०५ सप्टेंबर, १९९७ पासून ग्रंथपाल म्हणून कार्यरत होते. त्यांच्या महाविद्यालयीन सेवेस शासन सेवेतील ग्रंथालय संचालक, महाराष्ट्र राज्य, मुंबई या पदाची दि. ०७/०७/२०१५ (म.पू.) पासूनची शासकीय सेवा त्यांच्या सेवानिवृत्ती वेतनासाठी जोडून देण्यात येत आहे.

शासन निर्णय-

श्री. म.वि.मुंडे, यांची एल.एस. रहेजा स्कूल ऑफ आर्ट, वांद्रे, मुंबई या अशासकीय अनुदानित कला संस्थेतील, सहायक अधिव्याख्यात या पदावरील दि. ५ सप्टेंबर, १९९४ ते दि. ५ नोव्हेंबर, २००१ या कालावधीतील सेवा, निवृत्तिवेतनाई सेवा म्हणून हिशोबात घेण्यास शासन मंजूरी देत आहे.

12. *A conjoint consideration of facts of the case and Judgments relied upon by the applicant leads to the conclusion that the O.A. deserves to be allowed in terms of prayer Clauses A, B and C. It is accordingly allowed with no order as to costs."*

5. Having gone through the above referred findings recorded by the Tribunal and on perusal of the record we do not find any merit in the present petition as the findings recorded by the Tribunal are just and proper. Moreover, no



perversity has been pointed out in granting such relief and allowing the original application in favour of the respondent.

6. Thus, in absence of any merit in the present petition, we **dismiss** the same. No order as to costs.

7. We direct the petitioner Nos. 2 and 3 (Original respondent Nos. 2 and 3) to do the needful for revising the salary of the respondent (original applicant) by granting pay protection of his earlier service from 01.08.2001 to 30.12.2011, so also to count the aforesaid service for the purpose of pension and pensionary benefits as directed by the learned Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur vide impugned judgment dated 29.11.2024 within a stipulated period of eight weeks from the date of receipt order of this Court.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]

Namrata