



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8583 OF 2024

Ashok Pandurang Salunkhe.

...Petitioner.

Versus

The State of Maharashtra and Another.

...Respondents.

Mr. Abhijeet Kulkarni and Vishal K. Hande i/b Sachin K. Hande for the Petitioner.
Mr. P. V. Nelson Rajan, AGP for the Respondent-State.

**Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.**

Date : September 7, 2026.

P. C. :

1. The Petitioner is aggrieved by the impugned order dated 19th December 2022 to the extent that he has been denied pay and allowances / backwages of previous service, while granting regularisation in service on the basis of Government Resolution dated 10th March 2005.
2. Briefly stated, facts of the case are that the Petitioner was appointed as copying clerk by order of 18th June 1992 at Jat Tahsil Office on contractual basis till he was absorbed as regular employee as copying clerk on 12th January 2005.
3. On 10th March 2005, the Government Resolution was issued formulating scheme for absorption of persons working as copying clerks without salary, in regular employment on Class-III posts. As per the said

scheme, persons who were working as copying clerks for more than 10 years as on 10th March 2005, were to be directly absorbed in Government employment on Class-III posts in accordance with their educational qualification. The District Collectors were directed to prepare a waiting list and to appoint them in regular employment as per available vacancies. Accordingly, the list of eligible candidates was prepared. No steps were taken despite the Petitioner holding the requisite qualification for being appointed as clerk.

4. The Petition states that eligible candidates from the Sangli District had approached the Maharashtra Administrative Tribunal [for short ***“Tribunal”***] which has directed absorption of eligible candidates along with all consequential benefits on the date of GR. The Petitioner being similarly situated employee, made an application before the Tribunal by way of Original Application No.458 of 2021 and the impugned order came to be passed denying the Petitioner benefits of pay and allowances and backwages of the previous service period. Hence, the present petition.

5. Learned Counsel appearing for the Petitioner would point out that in case of similarly situated employee, the Tribunal in Original Application No.1016 of 2026 has granted regularisation in service on the post of Talathi with effect from 10th March 2005 as per the Government Resolution dated 10th March 2005 and had also granted all monetary

benefits of pay and allowance with effect from 10th March 2005. He has taken this Court through the impugned order in order to contend that there is no justification for denying the pay and allowances / backwages for the previous service period, as granted to the similarly situated employees.

6. Learned AGP would take this Court through the affidavit-in-reply and would submit that the Tribunal had granted relief of declaration in addition to regularisation of service, however, has rejected the prayer for grant of pay and allowances / backwages for the previous service period, which does not warrant any interference by this Court.

7. We have minutely perused the impugned order. The impugned order dated 19th December 2022 specifically records the order which was passed in the case of similarly situated employee, i.e., Sarjerao Kshirsagar, who was absorbed with effect from 10th March 2005. There is a specific finding that the present Petitioner though similarly situated is discriminated and as such it is a case of recurring and continuing cause of action. The observation of the Tribunal is in the context of the Respondent's contention therein as regards the Original Application being time barred. Once there is a finding by the Tribunal that the Petitioner is similarly situated as Sarjerao Kshirsagar, there is no justification for discrimination while granting relief in terms under the same GR dated 10th March 2005. The Tribunal has declined the benefits

of pay and allowances / back-wages for the previous service period without assigning any reasons and findings. The rejection of relief of backwages is *sans* any reasoning. Perusal of the order of identically placed employee Sarjerao Kshirsagar would indicate that along with regularisation, the said employee was also granted all monetary benefits of pay and allowances with effect from 10th March 2005. We do not find any justification for discriminating the present Petitioner.

8. In light of the above, the petition is allowed. Clause (c) of the impugned order dated 19th December 2022 to the extent that the benefit of pay and allowances / back-wages for the previous service period is declined is hereby quashed and set aside. The Petitioner is entitled to all monetary benefits of pay and allowances / back-wages to the post of Clerk with effect from 10th March 2005. The said benefits to be paid to the Petitioner within a period of eight weeks from today.

9. Petition is allowed in above terms.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]