

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 275 OF 2004
WITH
CIVIL APPLICATION NO. 6534 OF 2012**

Purushottam Kisanrao Deshpande .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. S.B. Talekar, Advocate for the petitioner.

Mr. S.D. Kaldate, AGP for respondent/State.

**CORAM : A.V. NIRGUDE &
V.K. JADHAV, JJ.**

DATED : 01.09.2015

P.C. :-

1. Heard. The facts leading to this litigation can be stated in short as under :-

2. The petitioner was working as a Clerk in Agriculture Produce Market Committee, Nanded, since prior to 1958. He stood retired in 1982. The Market Committees were independent entities. Prior to 1956, the Marketing Department of State of Hyderabad was supervising these market committees. In 1960 the State of Maharashtra came into existence and Nanded became part of the State of Maharashtra. The employees of Market Committee were not treated as Government employees. They were employees of

respective market committees. The State of Maharashtra in 1996 took a decision to treat the employees of Market Committees as Government employees and provide them monetary benefits. The Government also decided that the decision would be made effective from 01.01.1986. The economic benefits were thus become payable to 181 employees with retrospective effect from 01.01.1986. As mentioned above, the petitioner stood retired in 1982, but because of this order, he was benefited w.e.f. 01.01.1986. The petitioner contended rather belatedly in 2004 through this petition that he deserves benefits w.e.f. his date of retirement. This request is untenable for two reasons. One that, there is delay in making this representation. Secondly, the policy decision taken by the Government in 1986 did not create any right in favour of the petitioner on the date of his retirement in 1982. He became entitled only on 01.01.1986. What happened to him, how much amount he was paid as pension etc. prior thereto was not concern of the State of Maharashtra. The petition, therefore, should fail. The writ petition stands dismissed. Connected Civil Application also stands disposed of.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]