

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5473 OF 2003**Dashrath Kisanrao Solanke Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Ajinkya Kale, advocate holding for Mr.S.B.Talekar, advocate for the the petitioner.
 Mr.V.S.Badakh, A.G.P. for the State.
 Mr.S.S.Tope, advocate for Respondent No.4.
 Mr.S.M.Gunjal, advocate holding for Mr.V.R.Naik, advocate for Respondent Nos.5 to 7.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 01.10.2016.

PER COURT :

1. Heard.
2. Learned counsel for petitioner states that the petitioner was the Mustering Assistant appointed in the year 1983. As per the policy decision taken by the State all Mustering Assistants were to be accommodated in Zilla Parishad employment as Class III and Class IV employees. Pursuant thereto, the petitioner was appointed in Class IV post. According to the learned counsel, the petitioner was eligible to be appointed in Class III as per his qualification. The learned counsel submits that several candidates were appointed as Talathi or Multipurpose Workers in Zilla Parishad or in Revenue

Department of the Government of Maharashtra. The Respondent Nos.5,6 and 7 though junior to the petitioner were appointed as Talathi and/or Multipurpose Workers in Class III. The petitioner though senior and qualified was absorbed as Peon. According to the learned counsel, the petitioner be given deemed date of appointment in Class III from the year 2000.

3. Mr.Tope, learned counsel for Respondent No.4 submits that subsequently the petitioner had filed Contempt Petition No.227/2004 before this Court. This Court in the said Contempt Petition directed to give appointment to the petitioner on Class III post. Due to non-availability of vacancy, the petitioner was not earlier given appointment on Class III Post. The appointment order was issued to the petitioner on Class III post on 4.1.2005, however, the said appointment was with effect from 22.4.2004. The said deeming effect of appointment from 22.4.2004 was given to the petitioner vide order dated 3.9.2007. The learned counsel submits that the petitioner stood retired on attaining the age of superannuation on 31.5.2015 and he has been paid all the retiral benefits applicable to him.

4. Considering the statement made by the learned counsel for Respondent No.4 that the petitioner was absorbed in Class III post with effect from 22.4.2004 and that he has been paid all the retiral benefits also and earlier appointment on Class III post could not be

made because of non-availability of vacancy, the grievance of the petitioner now would not survive.

5. The Writ Petition as such is disposed of. Rule accordingly disposed of.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.01.10.2016.
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