

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 706 OF 2004

Mrs. Shubhangi w/o. Nagesh Deshmukh,
Age 38 years, Occu. Nil,
R/o. 44, Arunoday Colony,
Near Datta Mandir,
Beed By-pass Road, Satara Parisar,
Aurangabad.

....Petitioner.

Versus

1. The State of Maharashtra
(Through its Secretary,
Social Justice, Cultural Affairs,
Sports & Special Assistance
Department, Mantralaya,
Mumbai -32).
2. The Maharashtra State Other
backward Classes Finance and
Development Corporation
(Through its Managing Director)
Aministrative Building, 4th Floor,
Ramkrishna Chemburkar Marg,
Chembur, Mumbai 400 071.
3. Shri Sant Rohidas Charmaudyog
va Charmakar Vikas Mahamandal
(Through its Managing Director)
Life Building, 45, Veer Nariman Road,
Mahatma Chowk, Mumbai-9.
4. The Maharashtra Electronics
Corporation Limited
(Through its Additional General
Manager (BD)
Plot No. AM-3, MIDC Cross Road "A"
Marol Industrial Area,
Andheri (E), Mumbai 400 093.

....Respondents.

Mr. A.S. Kale h/f. Mr. S.B. Talekar, Advocate for petitioner.

Mr. A.S. Shinde, A.G.P. for respondent No. 1/State.

Mr. B.B. Yenge, Advocate for respondent No. 2.

Mr. S.V. Warad, Advocate for respondent No. 3.

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : June 09, 2017.

ORAL JUDGMENT : [PER T.V. NALAWADE, J.]

. The petition is filed for giving direction to respondents to absorb, re-deploy the petitioner in respondent No. 2 - Maharashtra State Other Backward Classes Finance and Development Corporation Ltd. or any other department of the Government with effect from 1.12.2003 by issuing writ of mandamus.

2. It appears that the petitioner was working in respondent No. 4 - Maharashtra Electronics Corporation Limited, a corporation of State Government in the past and she was in the pay scale of Rs.750-1100. Respondent No. 4 - Maharashtra Electronics Corporation Limited was winding up. Due to this circumstance, Government created some posts in respondent No. 2 - Maharashtra State Other Backward Classes Finance and Development Corporation Ltd. and gave option to the employees of respondent No. 4 either to accept the compensation due to winding up of respondent No. 4 or to get re-deployment in respondent No. 2 - Maharashtra State Other Backward Classes Finance and Development Corporation Ltd. Many

employees opted for getting re-deployment in the other Corporation of the State Government. As the petitioner has some grievance, she approached this Court for giving direction. It appears that she had some dispute with regard to seniority and she was thinking that the persons who were junior to her were getting priority.

3. It appears that some interim relief was granted by this Court, but that relief was set aside by the Hon'ble Apex Court. Respondent Nos. 1 and 2 have filed reply affidavit dated 18.9.2015 and at para No. 5, the contents of the respondents are as follows :-

"5. The answering Respondent submits that as per the existing strength there are 11 vacant posts of the Accountant category in the Corporation. The post of Accountant is in the pay scale of Rs.1200-2040 which is much higher than the Petitioners Pay scale i.e. 750-1100. Considering the vacant posts in the category of Accountant and Recovery Inspector, the petitioner can be accommodated in the pay scale of Rs.750-1100 by protecting last pay drawn by the Petitioner without any past benefits on the post of Accountant or Recovery Inspector. The petitioner has to work in any District Office of Corporation."

4. On the other hand, the learned counsel for petitioner submitted that the continuity in the service to the petitioner needs to be given from 2003 till the date of re-deployment and other

consequential benefits also need to be given. About 14 years have passed since the winding up of the previous Corporation where the petitioner was employed. She has not rendered the service. Only because the present petition was pending, this Court cannot give aforesaid relief claimed for the petitioner by presuming that there was no fault of her. In view of the nature of her grievance, she preferred not to get the post in the other Corporation when the other employees preferred to join the other Corporation. Considering the age of the petitioner, which was shown as 38 years on the date of petition, it can be said that offer given by respondent Nos. 1 and 2 is most fair. Promise is given to protect the last pay drawn by the petitioner in the previous Corporation. She will be automatically getting benefit of pay revision and accordingly, her pay will be fixed in the new pay scale. There will be condition that she will be required to return the amount if at all she has collected the amount from previous corporation. A statement was made by the learned counsel for the petitioner that no such compensation was collected by the petitioner. In view of these circumstances, the only relief which can be granted to the petitioner is giving direction to the respondents on the basis of aforesaid affidavit (para No. 5) to absorb the petitioner by re-deployment in respondent No. 2 - Maharashtra State Other Backward Classes Finance and Development Corporation Ltd. and protect the last pay, the pay scale

of the petitioner which she was getting in the previous Corporation.

5. In the result, the petition is allowed. The respondents are hereby directed to re-deploy the petitioner in respondent No. 2 - Maharashtra State Other Backward Classes Finance and Development Corporation and protect her last pay which was there in previous Corporation. This is to be done by the Corporation within 30 days from today.

Rule is made absolute in aforesaid terms.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/