

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

Writ Petition No. 01802 of 1998

District : Aurangabad

1. The State of Maharashtra,
through the Senior Geologist,
Groundwater Survey &
Development Agency,
Beed (Shivajinagar, Beed).
 2. Dy. Director, Geologist,
Groundwater Survey &
Development Agency,
Aurangabad.
 3. The Director, Geologist,
Groundwater Survey &
Development Agency,
Maharashtra State,
Pune - 37.
- .. Petitioners
(Original respondents)

versus

Pashamiya s/o. Papamiya Pathan,
since deceased through L.Rs.,

- (a) Rukhsanabi w/o. Pashamiya
Pathan,
Age : 51 years,
Occupation : Nil.
- (b) Babamiya s/o. Pashamiya
Pathan,
Age : 29 years,
Occupation : Nil.
- (c) Wasimkhan s/o. Pashamiya
Pathan,
Age : 25 years,
Occupation : Nil.

All Resident of : Sayed
Nagar,
Pangri Road,
Behind Noorani Masjid, .. Respondents
Beed, (L.Rs. of original
At Post Taluka & Dist. Beed. complainant)

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*Mr. S.N. Kendre, Asst. Government Pleader, for
the petitioners.*

*Mr. Parag P. Shahane, Advocate, holding for
Mr. P.L. Shahane, Advocate, for the respondents.*

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 02ND MARCH 2017

ORAL JUDGMENT :

01. I have heard the learned Asst. Government Pleader appearing on behalf of the petitioners and Shri Shahane, learned Advocate appearing on behalf of the legal heirs of the deceased respondent.

02. In an identical matter, in Writ Petition No. 1801 of 1998, the petition has been partly allowed and the directions of the Industrial Court in the impugned judgment are modified by order of the High Court dated 02.03.2017.

03. For the reasons set out in the judgment dated 02.03.2017 in Writ Petition No. 01801 of 1998, and as the deceased respondent was an identically

placed workman along with the respondent in the said matter, this petition is partly allowed and the direction of the Industrial Court is modified as under :-

(a) Petitioner nos.01 and 02 shall forward the proposal of the deceased respondent, till the date he was in service with the petitioners, within a period of 08 (eight) weeks from today, along with all similarly situated employees, as directed in Writ Petition no. 1801 of 1998, to petitioner no.03 - Director, Geologist, Groundwater Survey & Development Agency, Maharashtra State, Pune.

(b) The said authority shall consider the proposal of the deceased respondent - Pashamiya s/o. Papamiya Pathan only for the purposes of extending such benefits which he may be entitled to, so as to ensure that the said benefits are extended to the legal heirs of the deceased respondent.

(c) The petitioners are expected to forward this proposal along with the directions set out in Writ Petition No. 1801 of 1998 for a decision in terms thereof and in the event, the deceased is entitled to any benefits of regularization, he shall be given the deemed date strictly as per his seniority

and such monetary benefits may then be extended to the legal heirs of the deceased respondent.

04. Rule is made partly absolute in the above terms.

(Ravindra V. Ghuge)
JUDGE

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