

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

934 WRIT PETITION NO. 5079 OF 2017

GANPAT BALIRAM KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.J.Salunke, Advocate for Petitioners
Mr. S.M.Ganachari, AGP for Respondents-State
Mr. H.P.Jadhav, Advocate for Respondent No.3
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**CORAM : PRASANNA B. VARALE AND
MANGESH S. PATIL, JJ.**

DATE : 21.11.2018

PER COURT :-

1. Heard Mr. Salunke, learned counsel for the petitioner, the learned AGP appearing for Respondent Nos.1, 2, 4, 5 and 6 and Mr. Jadhav, the learned counsel appearing for Respondent No.3.

2. The petitioners are before this Court for claim of pensionary benefits. It is submitted by Mr. Salunke, the learned counsel for the petitioners that these petitioners were working in Gram Panchayat, Kaij, District Beed. In the year 2009, Gram Panchayat, Kaij was converted into the Nagar Panchayat, Kaij and the employees of the Gram

Panchayat were absorbed in the services of Nagar Panchayat, Kaij. The absorption order was also passed. It is the submission of Mr. Salunke, the learned counsel for the petitioner that similarly circumstanced employees in Bhadrawati Gram Panchayat, District Chandrapur received the pensionary benefits. The learned counsel Mr. Salunke then by inviting our attention to order dated 09.05.2011 passed by the Commissioner and Director of Municipal Administration submitted that though the order refers to the absorption of 50 employees of Kaij Gram Panchayat, it further refers to certain conditions. Mr. Salunke then submitted that the Clause-1 condition states that such an employees, who are absorbed in the Nagar Panchayat would be entitled for the benefits from the establishment of the Municipal Council or the Nagar Panchayat. It is the submission of Mr. Salunke that this condition causes a prejudice to the petitioners as the petitioners though have worked in Gram Panchayat, their service in Gram Panchayat would not be considered for grant of benefits and their service period would be treated only from the date of establishment of the Panchayat. Mr. Salunke then submitted that the petitioners made various representations to the authorities to consider the issue and grant the

benefits to the petitioners. These representations were pending before the authorities.

3. Mr. Salunke then invited our attention to a communication forwarded from the office of the Collector, Beed to the Principal Secretary of Municipal Administration dated 26.06.2015. Mr. Salunke then submitted that the Collector, Beed, while forwarding the proposal, referred to the communication of the Chief Officer, Nagar Panchayat, Kaij and it was the opinion of the Chief Officer of the Nagar Panchayat, Kaij that the service of petitioners in the Gram Panchayat be included for grant of benefits to these petitioners. Mr. Salunke then submitted that the Collector, Beed seconded the opinion of the Chief Officer, Municipal Council, Nagar Panchayat, Kaij and forwarded the proposal for decision to the Principal Secretary. Mr. Salunke then submitted that this proposal is pending before the Principal Secretary till date.

4. Considering the submissions of Mr. Salunke as well as considering the affidavit-in-reply filed on behalf of Respondent No.3 which states that the representation of these petitioners was received by the Chief Officer and the Chief Officer forwarded his opinion, which is referred to in

the communication dated 26.06.2015, we are of the opinion that the petition can be disposed of with directions to the Principal Secretary, Municipal Administration to decide the proposal submitted to him dated 26.06.2015 from the office of the District Collector, Beed as expeditiously as possible and not later than twelve weeks from date of order of this Court. Needless to state that the Principal Secretary to decide the proposal on its own merits and this Court has not expressed any opinion on merits of the proposal leaving it for the decision of the Principal Secretary.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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