

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

937 WRIT PETITION NO. 5092 OF 2013

DIGAMBAR NARHARRAO JAGDALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mrs. A.N. Ansari
AGP for Respondents 1 & 3 : Mr. D.S. Jape/Ansingkar
Advocate for Respondent 2 : Mr. S.K. Kadam

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**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : January 12, 2018.

ORDER :

. The petition is filed for giving direction to the respondents to issue necessary orders for granting benefits of Government Resolution dated 16.4.1984 as per the recommendations of respondent No. 2 University dated 23.6.2003 and give consequential benefits of salary, pension etc. to the petitioners. Both the sides are heard.

2) The submissions made and the record show that in the past the petitioners had come to this Court by filing Writ Petition Nos. 2669/2009 and others and this Court had given direction to the respondents to take the decision in the matters after considering similar benefits given to one employee from

Shivaji University, Maharashtra. The learned counsel for petitioners submitted that subsequently, the Government Resolution, which was issued in favour of the employee of Shivaji University dated 30.9.1995 was made applicable to the other Universities and so, the benefits need to be extended to the petitioners.

3) In the reply affidavit filed by the respondents, they have made it clear that in Shivaji University, there was the post of Junior Engineer in Electrical Department and in view of that circumstance, the benefit was given by the Government Resolution of 1995 and only to the similar employees of other Universities the benefit was extended. The petitioners were working as overseer and supervisors in Dr. Babasaheb Ambedkar Marathwada University in the past. They retired and submissions made show that they had passed I.T.I. and they were working in Electrical Department of Dr. Babasaheb Ambedkar Marathwada University. Thus, there was no post of Junior Engineer created in this University when there was such post created in Shivaji University. There is such reply of respondents and there is nothing on the record to show that other contentions like eligibility for getting that post, there is similarity. In view of

these circumstances, this Court holds that, it is not possible to interfere in the decision given by the respondents on the representations made by the petitioners. In the result, the petition stands dismissed.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

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