

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13819 OF 2017

Rameshwar Uttamrao Shinde .. **Petitioner**

Versus

The State of Maharashtra
and another .. **Respondents**

Shri Aashish Jadhavar, Advocate for the
Petitioner.

Shri S. B. Pulkundwar, A.G.P. for respondent No.
1.

Shri S. S. Bhise, Advocate for Respondent No. 2.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. Mr. Jadhavar, learned counsel for the petitioner submits that this court in earlier writ petition filed by the present petitioner bearing Writ Petition No. 495 of 2014 under order dated 12.02.2015 had directed the respondent to consider the petitioner as a permanent employee from the year - 2004 for all further service and retiral benefits. The relief with regard to actual payment of salary was not granted for the period from

01.11.2004, but the said period was deemed to be counted for all the further benefits including retiral benefits. The learned counsel submits that under the impugned communication the respondent - authority has denied the benefits to the petitioner on the ground that the order is not clear.

2. Mr. Bhise, learned counsel for respondent no. 2 submits that the petitioner has been given the benefit from the date of the order. The respondent was not directed to deposit Provident Fund from the year - 2004 in respect of the petitioner.

3. The order passed by us on 12.02.2015 in Writ Petition NO. 495 of 2014 is explicitly clear. There is no ambiguity in the order passed by us. We had specifically directed the respondent to treat the petitioner as a permanent employee from the year - 2004 for all further service and retiral benefits. We had not granted petitioner

the actual salary for the period from 01.11.2004 till the date of the order. However, the services are directed to be considered as a permanent for all the retiral benefits and the service benefits from 01.11.2004.

4. In view of that, the impugned communication is set aside. The respondent shall consider the service of the petitioner from 01.11.2004 as a permanent employee for all retiral benefits and other benefits including Provident Fund.

5. Writ Petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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