

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

WRIT PETITION NO. 11795 OF 2016

Yashwant Gangaram Patingrao

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.T. Shelke, Advocate h/f Mr. S.S. Wagh, Advocate for petitioner.

Mr. V.S. Badakh, A.G.P. for respondent – State.

Mr. S.R. Yadav, Advocate for respondent no.3.

....

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 20th DECEMBER, 2018

ORDER :

Mr. Shelke, the learned Counsel for the petitioner submits that Zilla Parishad recommended that the petitioner be brought on CRT as Diesel Road Roller Driver. It was not open for the government to reject the same. The learned Counsel further submits that the respondents are not paying benefit and arrears and have observed that same would be paid in ten installments of ten years. The petitioner is retiring in two and half years.

2. The learned A.G.P. submits that the said policy of paying the arrears in ten installments is uniform.

3. As far as the prayer that the petitioner be brought on CRT for the post of Diesel Road Roller Driver is concerned, we are not inclined to consider the same. The order of the Labour Court also records that the petitioner was working as a Watchman and as such he has been rightly brought on CRT as Watchman.

4. As far as paying the arrears in ten years is concerned, the same is not acceptable. The petitioner is retiring in two and half years. The learned A.G.P., after taking instructions, submits that payment of entire arrears would be made at the time of the retirement of the petitioner. Same would be reasonable. The respondents shall pay entire arrears to the petitioner at the time of his retirement. The respondents shall also allow the petitioner to withdraw the amount of arrears which is deposited in the Government Provident Fund as per its Rules. Writ Petition is accordingly disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD