

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

**914 WRIT PETITION NO.557 OF 2017**

RAMNATH PANDHARINATH NAVTHAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. A. D. Sugdare, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent-State.

...

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

**DATED : 11<sup>th</sup> DECEMBER, 2018.**

**PER COURT:-**

1. The issue involved in the present petition is no longer res integra and is decided by this Court in catena of matters.

2. The petitioner was initially appointed as Muster Assistant. He had filed complaint bearing ULP No.96 of 1989 before the Industrial Court, Ahmednagar for grant of permanency. The Industrial Court allowed the complaint under order dated 29.12.1994 and granted benefits of permanency. Thereafter on 23.07.2004 the petitioner was absorbed as Surveyor in the office of respondent no.3 and retired on attaining the age of superannuation on 30.06.2012.

3. We have heard Mr. Sugdare, learned counsel for petitioner and the learned A.G.P.

4. For the reasons stated in the judgment delivered at the Principal Seat at Bombay in Writ Petition No.2946 of 1997 and the subsequent judgments delivered at this Bench in Writ Petition No.11183 of 2015 with connected writ petitions dated 07.04.2016. We adopt the same course:

1. In view of the judgment and order dated 29.12.1994 passed by the learned Industrial Court, Ahmednagar, for the purpose of considering the grant of pensionary benefits, the petitioners shall be treated as permanent employees with effect from the date of their complaints i.e. from the date of filing of their respective ULP's till the respective dates of superannuation.

2. In case of the petitioners who were already superannuated, it will be open for them to make a representation to the concerned authorities for grant of pensionary benefits.

3. If such representation is made, same shall be decided as expeditiously as possible and preferably within a period of four months from the date on which the representations are made.

4. We make it clear that, apart from issuing directions regarding the date of permanent employment of the respective petitioners, we have not examined the case of the petitioners as regards the eligibility of pensionary benefits.

5. Writ Petition is disposed of. No costs.

**(R. G. AVACHAT)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**

Devendra/December-18