

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

WRIT PETITION NO. 12737 OF 2018

Gorakhnath S/o. Narayan Mhais ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr Cedric Fernandes h/f Amol N. Kakade, Advocate for the petitioner
Ms Preeti Diggikar, AGP for respondent/State

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CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.

DATE : 21ST JANUARY, 2019

ORAL ORDER:

1. The petitioner was appointed as a Muster Assistant. He was granted status and privilege of permanency under the order of Industrial Court on 29.12.1994 in U.L.P. No. 554 of 1988. The petitioner seeks benefit of pension and consequential benefits.

2. The issue is no longer *res integra* in view of the various judgments of this court in case of Writ Petition No. 8359 of 2013 & other connected matters under order 13.08.2015 and so also other orders.

3. In view of that, we follow 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 Petitioner shall be treated as Permanent Employee with effect from the date of his complaint i. e. from the date of filing of his ULP till the respective dates of superannuation.
 2. In case of the Petitioner who was already superannuated, it will be open for him 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 representation is made.
 4. We make it clear that, apart from issuing directions regarding the date of permanent employment of the Petitioner, we have not examined the case of the Petitioner as regards the eligibility of pensionary benefits.
 5. Rule is made partly absolute on above terms with no order as to costs.
3. The writ petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE