

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

64 WRIT PETITION NO.14367 OF 2018

PARWATABAI BABURAO CHAVAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14368 OF 2018

BHAGIRATH SAKHARAM KOLI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14369 OF 2018

ALKA MAROTI MALI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14370 OF 2018

RAVINDRA PANDHARINATH CHAUDHARI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14371 OF 2018

SURESH CHHAAN BAVISKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.14372 OF 2018**

VITTHAL NATTHU JADHAV ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.14373 OF 2018**

KAMLABAI SHALIK KOHE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.14374 OF 2018**

SOMA RAJARAM GAJOREKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.14375 OF 2018**

ASHOK GIRDHAR JOSHI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.14376 OF 2018**

AASHA BABURAO BIRHADE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.14377 OF 2018**

SUBHAASH SHANKAR KADAM ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14378 OF 2018

RAMANAND ACHYUTRAO KULKARNI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14379 OF 2018

SANGITA KASHINATH PATIL LEGAL HEIRS
OF DECEASED KASHINATH GOVIND PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14380 OF 2018

SHIRISH PRALLHAD PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14381 OF 2018

DWARKABAI SANDU ROKDE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14382 OF 2018

ANIL PUNDLIK PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14383 OF 2018

SADASHIV LAXMAN PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14384 OF 2018

PRAMOD NARSINGRAO SURVE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14385 OF 2018

CHUDAMAN SITARAM SAINDANE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14386 OF 2018

RAGHUNATH JAGANNATH BHANGALE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14387 OF 2018

PUNDLIK GARBAD MOMNE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14388 OF 2018

RAVINDRA SHANTARAM BHANGALE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14389 OF 2018

MOHAN SONU GAWALI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14390 OF 2018

MUNNIBAI KAMAL SARWANE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14391 OF 2018

GOVINDA DEVODAS BHOITE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14392 OF 2018

RAMANBAI GOPICHAND BHAVSAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14393 OF 2018

RAGHUNATH HARI PACHPANDE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14394 OF 2018

SUKDEO MANGO HATKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14395 OF 2018

MAGAN MANGA PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14396 OF 2018

SADASHIV KONDIBA SHELKE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14397 OF 2018

SANTOSH NAMDEO CHAUDHARI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14398 OF 2018

EKNATH SHRAVAN PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14399 OF 2018

DHANABAI HARI BIRHADE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14400 OF 2018

MANGLA RAVINDRA PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14401 OF 2018

NAFEES AHMED SAEED AHMED KHAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14402 OF 2018

EKNATH HARISHCHANDRA NEMADE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14403 OF 2018

MADHUKAR PANDIT KOLI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14404 OF 2018

MINAKSHI PRAVIN CHAUDHARI LEGAL HEIRS
OF DECEASED PRAVIN TAPIRAM CHAUDHARI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14405 OF 2018

DATTATRAY SHENFADI BHAMRE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14406 OF 2018

KALPANA PURSHOTAM MEDHE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14407 OF 2018

SANJAY SUDHAKAR JAGTAP ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14408 OF 2018

SINDHUBAI PUNDLIK SAPKALE
..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS
WITH
WRIT PETITION NO.14409 OF 2018

ANJANABAI UKHARDU SURALKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

Mr. Girish Nagori, Advocate for the Petitioners in all writ petitions.

Mr. P. S. Patil, AGP for Respondents-State.

Mr. V. D. Gunale, Advocate for Respondent No.2.

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

DATED : 10th APRIL, 2019.

PER COURT:-

1. The petitioners are seeking pensionary benefits. According to petitioners they had retired from service after attaining the age of superannuation, however pensionary benefits are not granted to them.

2. According to the respondent-Municipal Corporation the proposal for age relaxation has been submitted to the Government. However, the Government has not taken any decision on it.

3. The petitioners appear to be similarly situated as petitioners in Writ Petition No.14052/2017 with connected writ petitions decided under order dated 14.02.2018. In the said order we had observed thus:

"4. It is an accepted facts that 1332 posts were created with the erstwhile Jalgaon Municipal Council under the orders of the Directorate of Municipal Administration dated 22.01.1997. Pursuant to the said order all these petitioners, who were working on daily wages were appointed by issuance of appointment orders. In some of the appointment orders it is stated that their appointments are on probation for six months and temporary, whereas in case of some of the petitioners the appointment orders were on temporary basis. However, each and every

appointment is made in pay scale of Rs. 750940. It is also not disputed that the Service Books are maintained of all these employees by the Municipal Council. The ACPS benefits are also given to them. The petitioners have received increments. Some of the petitioners were promoted to Class III posts. They are relieved as per the provisions of the Maharashtra Civil Services (Pension) Rules.

5. It also appears that, the erstwhile Municipal Council, Jalgaon has passed resolution No. 86 granting benefit of permanency to them on condition that the petitioners withdraw the complaints filed by them before the Industrial Court. Pursuant to the representations, some of the petitioners who had filed the complaints had withdrew the complaints. The Municipal Council had also passed a resolution bearing No. 264 of 31.10.1995 for age relaxation upto 45 years and had sent the said proposal to the government.

7. It would appear that the Respondent No. 2 treated the petitioners as permanent employees and they were discharging the function as permanent employees for all these years. The Respondent/State was expected to consider all these aspects before taking decision on 15.09.2017, refusing to relax the upper age limit."

4. We further directed the State Government to consider the proposal of those persons about age relaxation and directed the State Government to take decision upon the proposal of the Municipal Council regarding relaxation of age after considering all the aspects as observed in the said judgment and to decide the same within a period of three months.

5. It is submitted that pursuant to the aforesaid order passed in Writ Petition No.14052/2017 with connected writ petitions, the State Government on 06.09.2018 has granted age relaxation for the purpose of pensionary benefits to the petitioners of said writ petitions and communication to that effect has been made on 18.02.2019 to the Municipal Corporation, Jalgaon. The State had also directed the Municipal Corporation to take action against the erring officials. It is for the Municipal Corporation to take action accordingly. However, the fact remains that the judgment delivered in writ petition no.14052/2017 with connected writ petitions dated 14.02.2018 has been considered by the Government and benefit of age relaxation has been granted for pensionary purpose.

6. There is no reason to differentiate the present petitioners, more particularly when they are similarly situated as the petitioners in writ petition no.14052/2017 with connected writ petitions.

7. In the result, we pass the following order:

ORDER

The State Government shall decide the proposal forwarded by the Municipal Corporation for relaxation of the age of petitioners

considering our observations as supra and also the factum of relaxation of age given to those persons covered under the order dated 14.02.2018 in writ petition no.14052/2017 with connected writ petitions and give the same treatment to these petitioners of age relaxation for pensionary purposes. The same shall be done preferably within a period of two (02) months.

8. Writ Petitions accordingly disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/April-19