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

WRIT PETITION NO. 1155 OF 2019

1. Ashok s/o Murlidhar Shinde
Age 60 years, Occu. Pensioner,
R/o Lane No. 1, Kusumba,
Taluka and Dist. Dhule
2. Bhaurao Ragha Mali,
Age.61 years, Occ.Pensioner
R/o Karnti Naga, Bhadra Chowk, Shirpur
Tq Shirpur Dist. Dhule
3. Popat Natha Bhamre
Age 59 Years, Occu. Pensioner
R/o Meharggaon Tq. & Dist.Dhule
4. Raosaheb Daga Patil
Age 59 Years, Occu. Pensioner
R/o Datta Colony, Sakri
Tq.Sakri Dist Dhule

..PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai – 400 032
2. The Secretary,
Rural Development Department
Mantralaya, Mumbai – 400 032
3. The Chief Conservator of Forest,
(Territorial), Dhule, Dist. Dhule
4. The Water Conservator Officer,
Soil and water Conservation Department,
Dhule Division, Sinchan Bhavan,
Sakri Road, Dhule, Dist Dhule
5. The Executive Engineer,
Works Department,
Zilla Parishad, Opp. Old Civil Hospital,

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Sakri Road, Dhule, Dist. Dhule

6. Zilla Parishad, Dhule, Dist Dhule
through its Chief Executive Officer ..RESPONDENTS

Mr S. N. Suryawanshi, Advocate for petitioner;
Mr S. S. Dande, A.G.P. for respondent no. 1.

**CORAM : PRASANNA B. VARALE
AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 28th January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioners.

2. By way of the present petition, though the petitioners seek directions to the respondents to count their continuous service w.e.f. 1st October, 1988 and to give them all consequential monetary benefits, considering the fact that certain representations are made to the competent authorities, we are of the opinion that the petition can be disposed of with directions to respondent authorities to decide the representations.

3. It may not be necessary for us to refer to the facts in detail, suffice it to say that it is the claim of the petitioners that they were initially appointed as Mustering Assistants in the Minor Irrigation Sub-Division, Dhule sometime in the year 1983. In the year 2004 they were absorbed in the services of Forest Department as Forest Guards. The petitioners have approached initially the Labour Court

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for certain benefits like continuity in service and back wages, etc. The petitioners stood retired on attaining the age of superannuation. It is submitted by the learned Counsel appearing on behalf of the petitioners that some employees have approached this Court as well as the Honourable the Apex Court seeking benefits of the Government Circular dated 28th February, 2017 and there are the decisions of this Court in favour of the similarly circumstanced employees. A support was drawn from the judgment and order of this Court, dated 19th July 2004 and also from the judgment in the matter of one Kadu Mahadu Bhavar. A copy of the judgment and order passed by this Court in the matter of Kadu Mahadu Bhavar is placed on record. It is writ petition no. 12043 of 2016, decided along with other connected petitions.

4. A report is submitted to respondent no. 3 Chief Conservator of Forest on 20th August, 2018. Attention of the authority was drawn to the order of this Court. Then there is other detailed representation submitted to the Secretary, Law & Judiciary Department dated 24th September, 2018. Learned Counsel submitted that a copy of this representation is also submitted to the Principal Secretary, Revenue and Forest Department as well as to the Chief Conservator of Forest, Nagpur. These representations are pending for decision till date.

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5. Considering the aforesaid fact, we dispose of the writ petition with directions to respondent nos. 1 and 3 to decide the representations dated 20th August, 2018 and 24th September, 2018 as early as possible and not later than twelve weeks from the date of order of this Court, needless to state ascertaining and assessing the merits of these representations on the back drop of decisions of this Court.

With aforesaid directions, writ petition stands disposed of.

(SMT. VIBHA KANKANWADI, J.) (PRASANNA B. VARALE, J.)

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