

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

25 WRIT PETITION NO. 575 OF 2020

SHASHIKANT RAJRAM LANDGE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

35 WRIT PETITION NO. 599 OF 2020

KHALIL PEERMOHAMAD SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Pradip K Wagh.
AGP for Respondent Nos. 1 & 3 : Mr. A.R. Kale.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATED : 13.01.2020.

PER COURT :

- . Heard the learned advocate for the petitioners.
2. The learned advocate submits that the petitioners were working as Muster Assistants / Helpers. They were terminated. The petitioners filed Complaint (ULP) before the Labour Court. The Labour Court set aside the termination and granted continuity in service with backwages. The order of the Labour Court was confirmed by the

Industrial Court and so also by this Court. The counsel submits that the service rendered by the petitioners as a Muster Assistants / Helpers is required to be considered for pensionary benefits.

3. The learned counsel relied upon the judgment delivered by this Court dated 07.04.2016 in Writ Petition No. 11183/2015 with connected Writ Petitions.

4. We have heard the learned Additional Government Pleader, he submits that the petitioners are not granted benefit of permanency in service. He relies on the Government Resolution dated 01.12.1995 and submits that the same has been approved by the Apex Court. The Labour Court did not grant permanency in service to them. The service rendered as Muster Assistants cannot be counted as per Government Resolution dated 01.12.1995.

5. We have perused the judgment passed by the Labour Court. The petitioners have not been granted permanency in service. The Government Resolution dated 01.12.1995 would be applicable. As per said Government Resolution the service rendered by the petitioners as Muster Assistants / Helpers cannot be counted as qualifying service. In the judgment relied upon by the petitioners, the petitioners therein were granted permanency.

6. In light of the above, no relief can be granted to the petitioners.

Writ Petition is disposed of. No Costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

S.PC.