

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2083 OF 2020

JAGANNATH NARAYAN TAMBOLI
VERSUS
MAHARASHTRA STATE SECONDARY AND HIGHER SECONDARY
EDUCATION BOARD THROUGH ITS CHAIRMAN

Mr.U.S.Malte, Advocate for the petitioner.
Mr.U.S.Mote, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE , J.)
DATE : MARCH 23, 2022

PER COURT :

1. This matter was extensively heard .
2. The learned Advocate representing the respondent sought a pass over to take instructions and submits on instructions that the deemed date for regularization of the service of the petitioner as a Peon with consequential monetary benefits would be considered as being 18.09.2000 when he was reinstated in service after a gap of 13 years.
3. The petitioner had admittedly joined as a Peon on daily wages on 08.03.1985 and was disengaged on 12.06.1987. His date of birth is

10.03.1966. His challenge to the disengagement vide Ref.(IDA) No.29/1989 was decided by the judgment and award dated 15.03.1994. He was granted reinstatement with continuity and full back wages. The respondent preferred WP No.1841/1994 which was disposed off by judgment dated 20.03.1995 and the matter was remanded. The Labour Court then delivered its award, on remand, on 23/03/1995 granting the same relief. WP No.3315/1995 filed by the respondent was disposed off by the order dated 14/09/2012 after recording that the petitioner has been reinstated in service on 18.09.2000.

4. The cause for the petitioner in filing the present petition is the judgment of the Industrial Court dated 01.11.2018 by which his Complaint (ULP) No.284/2015 seeking regularization was partly allowed and his prayer for confirmation in service has been rejected.

5. Considering the offer made by the respondents on instructions, the learned Advocate for the petitioner, on instructions from the petitioner present in the Court submits that the petitioner is agreeable. He only adds that, for the purposes of calculating his pensionary

benefits and gratuity, the past service from 08.03.1985 till 17.09.2000 as per the MCSR Pension Rules and as per the provisions of the Gratuity Act, may be reckoned with. He relies upon a judgment delivered by this Court in the matter of **Mahatma Phule Krishi Vidyapeeth, Rahuri Vs. Ganpat Kisan Karle** [2016(4) BCR 790] = [2016(3) ABR 697] in WP No.8000/2015, decided on 03/03/2016.

6. In view of the above, this petition is disposed off by deleting clause B of the operative part of the impugned order and is replaced by the following clauses :-

B-1] The petitioner would be regularized in employment w.e.f. 08.09.2000 and the respondent, as per it's statement, would pass an order to this effect, on or before 30.04.2022.

B-2] The monetary benefits consequentially available to the petitioner, would be calculated by the respondent and would be paid to him, on or before 30.08.2022.

B-3] After the superannuation of the petitioner, his earlier service on daily wages from 08.03.1985 till 17.09.2000 would be reckoned with for calculating his pensionary benefits and the gratuity amount.

(RAVINDRA V. GHUGE, J.)