

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.446 OF 2021

Md. Khalik Shahbuddin Shaikh and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

...

Mr. Kiran Bapat, senior counsel with Mr. Gaurav Gawande i/b. Ms Gauri Bhosale for the Petitioners.

Mr. B.V. Samant, AGP for Respondent -State.

Mr. Ashok Misal for Respondent No.3.

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED: MARCH 1, 2023.

P. C. :-

1. The Petitioners seeks directions to extend benefits of Government Resolution dated 01/12/1995 and 21/04/1999.

2. It is not disputed that the Petitioners in the present writ petition were Muster Assistant. The Petitioners were dismissed from service. They filed dispute with the Industrial Court. The Industrial Court allowed the dispute and granted reinstatement but did not grant permanency. The details of the Petitioners and the respective dates are detailed as under.

Sr. No.	Name of Petitioners	Date of Appointment	Date of Termination	Reference Id. No. and Decision date	Date of Rejoining	Present status
1.	Md. Khalik Shaboddin Shaikh	27.10.1986	17.07.1989	1/1995 05.02.99	05.02.2000	Working as Muster Assistant his service has been deputed to Sub Divisional Officer Solapur No.1
2.	Suresh Sharnappa Vate	01.01.1985	31.08.1988	369/1992 07.08.1997	30.12.1997	Working as Muster Assistant his service has been deputed to BDO Akkalkot
3.	Sharanappa Hanmantappa Patil	02.12.1985	05.01.1989	10/1994 23.06.1998	01.09.1998	Working as Muster Assistant his service has been deputed to BDO Akkalkot
4.	Sattar Balabhai Nadaf	13.10.1987	29.10.1989	197/1991 16.01.1997	26.02.1997	Working as Muster Assistant his service has been deputed to PLAQ Solapur
5.	Maruti Namdev Patole	01.08.1986	28.02.1989	326/1992 25.06.1998	22.09.1998	Working as Muster Assistant his service has been deputed to BDO Mohol
6.	Balasaheb Vasantrao Patil	03.03.1986	08.02.1989	113/1994 23.09.1999	05.02.2000	Retired on 30/08/2018
7.	Bhausahab Sahebrao Ingale	04.12.1986	01.08.1988	48/1993 17.10.1996	17.06.1997	Working as Muster Assistant his service has been deputed to Tahasildar, Mohol
8	Sidheshwar Tukaram	03.06.1984	01.05.1987	50/1993 17.10.1996	30.12.1996	Working as Muster

Sr. No.	Name of Petitioners	Date of Appointment	Date of Termination	Reference Id. No. and Decision date	Date of Rejoining	Present status
	Nagane					Assistant his service has been deputed to BDO Mohol.
9	Pandurang Bapurao Nimase	01.06.1984	31.03.1987	9/1996 12.04.1999	09.02.2000	Working as Muster Assistant his service has been deputed to BDO Mohol.
10	Bhimrao Soma Lavate	08.02.1984	30.08.1988	216/1988 07.02.1997	17.06.1997	Working as Muster Assistant his service has been deputed to BDO Mohol

3. As far as Petitioners are concerned, they have approached the Industrial Court. The Industrial Court had passed an order reinstating them but has not granted permanency. In that event, the judgment of the Apex Court in the case of ***Shaikh Miya S/o. Shaikh Chand etc. vs. State of Maharashtra dated 07/09/2022 in Civil Appeal No.6531-6533 of 2022*** will be relevant. In that judgment, it is observed that the persons who have been absorbed over a period of time post 31/03/1997 for pensionable services reckoning date will be 31/03/1997 and such of the persons who have rendered pensionable services will be entitled to that benefit. In view of that, the petitioners shall be considered as permanent from 31/03/1997 and the

pensionable benefits shall be granted to them considering their services with effect from 31/03/1997, as expeditiously as possible.

4. With these directions writ petitions are disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)