

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

**WRIT PETITION NO. 3802 OF 2017
WITH
INTERIM APPLICATION NO. 3725 OF 2022
WITH
INTERIM APPLICATION NO. 572 OF 2021**

Shri. Dattatraya Vitthal Pawar

.....Petitioner

V/s.

The Secretary, Planning Department
and Ors.

.....Respondents

Mr. Kiran Bapat, Senior Advocate I.by. Y.B. Lengare, Mrs. Suman Y. Lengare and Ms. Snehal Avhad Advocate for the petitioner.

Mr. Pankaj Deokar, Advocate for respondent no.4 in WP(St.) No. 10460-2019 and for respondents no.10 & 11 in W.P.-12167-2019.

Mr. Vishwasrao Deokar a/w. Ms. Vishaka Patel , Advocate for respondent no.7 & 12, 14.

Mr. Nitin Deshpande, Special Counsel a/w. Mrs. R.A. Salunkhe, AGP for State.

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

DATE : 30th MARCH, 2023.

P.C. :

1. Petitioner seeks direction to extend benefits of Government Resolution dated 1st December, 1995 and 21st April, 1999.

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

SR .N O.	Name of Petitioner	Date of Appointment	Termination	Reference IDA No./Complaint/ Revision No. and Decision	High Court Writ Petition	Reinstatement as per Court order	Present Status
1.	Dattatraya Vitthal Pawar through LRs	28.07.1973	30.12.1988	69/1989 Allowed on 04.01.1995 Rev. No.06/1997 filed by Dy. Eng. ZP Allowed on 15.03.2000.	3772/2004 Rule ad-interim prayer "c" on 29.04.2004 pending	16.01.1995	Muster Assistant Retired on 31.10.2013

3. As far as Petitioner is concerned, he has approached the Industrial Court. The Industrial Court had passed an order reinstating him 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 7th September, 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 31st March, 1997, for pensionable services, reckoning date will be 31st March, 1997 and such of the persons who have rendered pensionable services will be entitled to that benefit. In view of that, the petitioner shall be considered as permanent from 31st March, 1997 and the pensionable benefits shall be granted to him considering his services with effect from 31st March, 1997, as expeditiously as possible.

4. With this direction, the Writ Petition alongwith Interim Application is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)