

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5329 OF 2018
WITH
INTERIM APPLICATION (ST.) NO. 10194 OF 2022**

Shri. Lengare Limbaji Balu and anr.Petitioner

V/s.

The Secretary Planning Dept. And Ors.Respondents

Mr. Kiran Bapat, Senior Advocate i/by. Mr. 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 respondents 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. Petitioners seek directions to extend benefits of Government Resolution dated 1st December, 1995 and 21st April, 1999.

2. It is not disputed that petitioners in the present writ petition, were Muster Assistant. 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 petitioners and the respective dates are detailed as under :

SR. NO.	Name of Petitioner	Date of Appointment	Termination	Reference IDA No./Complaint/Revision No. and Decision	High Court Writ Petition No.	Reinstatement as per Court order	Present Status
1.	Lengare Limbaji Balu	18.08.1979	31.03.1982	13/1995 Allowed on 08.12.1999	Nil	18.04.2000	Muster Assistant Retired on 31.05.2016
2.	Pingale Bharat Tayappa	01.08.1985	01.09.1988	6/1995 Allowed on 09.07.1999	Nil	06.05.2000	Muster Assistant Met with accident and died on 25.05.2015

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 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 petitioners shall be considered as permanent from 31st March, 1997 and the pensionable benefits shall be granted to them considering their 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)