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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7045 OF 2021**

Dhyaneshwar Revappa Bhimade ... Petitioner

vs.

The Secretary, Planning Dept. and Ors. ... Respondents

WITH

WRIT PETITION NO. 7041 OF 2021

Baliram Bandu Patil ... Petitioner

vs.

The Secretary, Planning Dept. and Ors. ... Respondents

WITH

WRIT PETITION NO. 7040 OF 2021

Vijaykumar Namdeo Mahamuni ... Petitioner

vs.

The Secretary, Planning Dept. and Ors. ... Respondents

WITH

WRIT PETITION NO. 7043 OF 2021

WITH

INTERIM APPLICATION NO. 3767 OF 2021

IN

WRIT PETITION NO. 7043 OF 2021

Dattatraya Ramchandra Kadam ... Petitioner

vs.

The Secretary, Planning Dept. and Ors. ... Respondents

WITH
WRIT PETITION NO. 7044 OF 2021

Maruti Dattu Kamble ... Petitioner
vs.
The Secretary, Planning Dept. and Ors. ... Respondents

Mr. Y. B. Lengare for the Petitioner in all Writ Petitions &
Interim Applications.

Mr. Vishwasrao S. Deokar a/w. Ms. Vishakha Patel Respondent
no. 10 in WP/7045/2021.

Mr. B. V. Samant, AGP for the State – Respondent nos. 1 to 8 in
all Writ Petitions and Interim Applications.

CORAM : S.V. GANGAPURWALA, ACJ. &

SANDEEP V. MARNE, J.

DATED : 7 FEBRUARY, 2023

P.C. :-

1. We have heard the learned counsel for the petitioner, the learned AGP and the learned counsel for the Zilla Parishad.
2. The petitioners were Muster Assistants. Some of the petitioners it appears were dismissed from services. They filed dispute before the Industrial Court.

3. The Petitioner in Writ Petition No. 7045 of 2021 is granted permanency with effect from 1 October 1988 by Industrial Court order dated 2 May 1997 in Complaint (ULP) No. 197 of 1990. The petitioners in rest of the Writ Petitions have not been granted permanency.

4. In view of the judgment and order passed by this Court in the Case of *Ramchandra Kondiba Mahajan vs. The State of Maharashtra and Ors.* in Writ Petition no. 2946 of 1997, the petitioner shall be treated as permanent employee with effect from 1 October 1988. As the said petitioner has superannuated, he would make representation to the authorities for grant of pension benefits. If such representation is made the same shall be decided expeditiously preferably within a period of four months from the date of making the representation by considering his eligibility for grant of pension.

5. As far as petitioners in other Writ Petitions 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 7 September 2022 in Civil Appeal No. 6531-6533 of 2022 will be relevant. In that judgment, it is observed that the person who have been absorbed over a period of time post 31 March 1997 for pensionable services reckoning date will be 31 March 1997 and such of the persons who have rendered pensionable services will be entitled to that benefit. In view of that, the petitioners in Writ Petition No. 7043 of 2021, 7044 of 2021, 7040 of 2021 and 7041 of 2021 shall be considered as permanent from 31 March 1997 and the pensionable benefits shall be granted to them considering their services with effect from 31 March 1997.

6. With these directions Writ Petitions are disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)