

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

WRIT PETITION NO. 5365 OF 2023

Shri. Ghavate Laxman Rangnath
and Ors.

....Petitioners

V/s.

The State of Maharashtra, through
the Secretary, Planning Dept. And Ors.

....Respondents

Mr. Yash B. Lengare a/w Ms. Snehal Avhad for the Petitioners.

Mr. B.V. Samant, AGP for the Respondents-State.

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

DATE : 20th APRIL, 2023.

P.C. :

1. Petitioners seek direction 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 Assistants. 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/ Complaint No. and Revision Decision	Date of Rejoining as per Court order	Present Status
1.	Laxman Rangnath Ghavate	05.12.1985	01.07.1987	112/1992 Reference IDA No.59/1992 29/03/1993	21.12.1992	Retired on 30.06.2019
2.	Ajiath Navnath Mohite	15.04.1983	16.02.1990	48/1992 09.03.1999	08.04.1999	Retired on 04.06.2017

3.	Ganpat Babu Gidde	01.10.1982	19.02.1988	77/1992 05.04.1998	01.09.1998	Retired on 31.05.2008
4.	Nana Ishwar More Through LRs	25.03.1986	19.11.1987	81/1992 24.06.1992	13.09.1992	Died on 01.06.2003
5.	Vaijnath Suryabhan Awate	02.07.1983	14.05.1986	60/1992 18.07.1998	24.12.1998	Retired on 31.05.2014

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 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, 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 is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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KATKAM
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