

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

**WRIT PETITION NO. 13819 OF 2017
ALONGWITH
INTERIM APPLICATION NO. 3497 OF 2022
ALONGWITH
INTERIM APPLICATION NO. 3498 OF 2022
ALONGWITH
INTERIM APPLICATION NO. 2726 OF 2021**

Shri. Aba Shankar Jadhav and Ors.

.....Petitioners

V/s.

The Secretary, Planning Department
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 & Decision	Writ Petition	Reinstatement	Present Status
1.	Aba Shankar Jadhav, through Lrs.	21.09.1982	30.06.1987	84/1992 03.02.1998 Partly allowed. Revision 18/1998 Dismissed for default 12.12.1994	Nil	18.04.1998	Muster Assistant Retired on 15.09.2021
2.	Shivaji Gajendra Hembade	21.07.1986	30.03.1988	130/1992 Complaint allowed 01.04.1999 Revision Dismissed on 14.01.2000	5806/2000 filed by CEO disposed of remanded on 23.01.2001	05.02.2000	Muster Assistant
3.	Dilip Ramchandra Chaure	07.04.1986	30.11.1989	34.1993 Allowed on 15.06.1999 IDA No.34/1993 filed by CEO dismissed on 26.04.2001	653/2000 Disposed of remanded on 28.03.2000	08.02.2000	Muster Assistant Retired on 31.05.2022
4.	Sajjan Hinduraon Mane	01.07.1984	01.05.1987	38/1993 allowed 17.10.1996	Nil	30.12.1996	Muster Assistant Retired 31.05.2019
5.	Dattatraya Kalyanrao Patil	21.10.1982	06.06.1987	359/1992 allowed 06.05.1997	Nil	10.07.1997	Muster Assistant Retired on 31.05.2021
6.	Kumar Uddhav Jadhav	05.08.1988	23.12.1989	74/1992 allowed 02.03.1998	Nil	08.07.1998	Muster Assistant Retired on 31.12.2020
7.	Shivaji Ishwar Maske	01.07.1985	15.11.1988	88/1992 partly on allowed 07.02.1998	Nil	23.07.1998	Muster Assistant Retired on

				Rev. No.25/1998 disposed of on 04.08.1998			30.04.2020
8.	Tanaji Baburao Anbhule	14.08.1985	01.01.1989	82/1992 allowed on 27.07.1998	Nil	27.01.1999	Muster Assistant Retired on 31.10.2018
9.	Balanath Mahadeo Pathade	22.11.1982	01.08.1987	22/1993 allowed on 24.12.1997 22/1993 allowed on 10.04.2001	5416/1998 Remanded on 28.03.2000	02.09.1998	Muster Assistant Retired on 31.05.2021
10.	Namdeo Kisan Kale	24.11.1987	01.01.1989	22/1992 allowed on 06.03.1998 22/1992 allowed on 20.04.2001	5004/2002 disposed of on 23.10.2002	04.07.1998	Muster Assistant
11.	Balasaheb Ramchandra Ragade	24.03.1986	28.11.1987	100/93 allowed on 05.05.1999. IDA 100/93 02.05.2001 WP No.1854/2004 Rule	654/2000 disposed of on 28.03.2000 WP No. 1854/2004 Rule	08.02.2000	Muster Assistant
12.	Sadhu Maruti Panage	01.04.1983	01.04.1988	18/1993 partly allowed on 22.07.1997	Nil	10.6.1998	Muster Assistant Retired on 31.05.2017
13.	Veerchandra Ramchandra Salve	26.04.1986	17.11.1987	108/1993 allowed on 09.09.1998. 108/93 filed by EE dismissed on 03.05.2001	2962/1999 Remanded on 28.03.2000	29.01.1999	Muster Assistant
14.	Vishnu Tukaram Kharat	26.04.1986	29.04.1989	89/1992 allowed on 20.12.1996	4360/1997 Dismissed on 14.02.2018	25.09.1997	Muster Assistant Retired on 30.06.2014
15.	Shabir Fakruddin Shaikh	20.04.1987	01.02.1992	362/92 allowed on 14.02.1997. 15/1997 stayed back wages on 06.03.1997	Nil	10.03.1997	Muster Assistant Retired on 31.05.2014
16.	Dhanaji Bhagwat Labade	23.10.1982	01.05.1988	102/93 allowed on 04.03.1999	Nil	07.02.2000	Muster Assistant Retired on 31.01.2015
17.	Rajendra Sandipan Bankar	15.02.1984	Feb.1988	220/1991 allowed on 21.01.1997	Nil	06.02.1997	Muster Assistant
18.	Sugriv Trimbak Yadav	01.01.1986	30.06.1987	89/1993 allowed on 10.11.1998 Rev.44/99 20.09.2000	Nil	16.04.1999	Muster Assistant

19.	Dattatraya Digambar Gawali	01.12.1985	01.09.1986	80/1992 allowed on 05.06.1998	Nil	13.11.1998	Muster Assistant
20.	Madekar Prabhakar Sadashiv	31.10.1982	01.02.1986	99/93 allowed on 15.07.2000	Nil	28.07.2003	Muster Assistant Retired on 31.05.2018
21.	Annasaheb Trimbak Chavan	01.10.1982	01.11.1988	57/92 allowed on 16.02.1998	6024/1998 filed Dy. Eng. Dismissed on 28.03.2000	01.09.1998	Muster Assistant
22.	Balbhim Gopinath Patil	07.10.1982	18.02.1988	79/92 allowed on 06.04.1998 Rev. 79/92 filed by Dy. Eng. Dismissed on 24.04.2001	5417/1998 Remanded on 28.03.2000	01.09.1998	Muster Assistant Retired on 31.05.2018
23.	Sunil Nagnath Gulve	05.09.1986	27.10.1987	73/1992 allowed on 19.09.1998. Rev.73/92 filed by Ex. Eng. dismissed on 23.04.2001	2977/99 Remanded on 28.03.2000	05.03.1999	Muster Assistant Retired on 31.01.2020
24.	Mahadeo Bhimrao Chaure	27.02.1984	01.02.1988	46/93 allowed on 06.08.1999	Nil	20.01.2000	Muster Assistant Retired on 31.07.2019
25.	Sudhir Dnyandeo Shinde	25.03.1986	14.03.1988	46/93 allowed on 12.07.1999	Nil	10.01.2000	Muster Assistant Retired on 31.07.2022
26.	Pralahad Nivrutti Shinde	07.10.1982	21.02.1988	75/1992 allowed on 06.03.1998	6020/1998 disposed of on 28.03.2000	01.09.1998	Muster Assistant Retired on 31.10.2016
27.	Ramesh Gajanan Karanjkar	08.02.1983	01.10.1985	85/1992 allowed on 17.02.1997	6026/1998 filed by Ex.Eng. Rejected on 28.03.2000	12.06.1997	Muster Assistant Retired on 30.06.2019
28.	Suryakant Shankarrao Mule	26.05.1983	19.02.1988	27/1993 allowed on 16.04.1999. 27/1993 on 20.04.2001	647/2000 disposed of on 28.03.2000	05.02.2000	Muster Assistant Retired on 30.06.2019
29.	Tukaram Janardhan Gawali	16.12.1986	01.04.1989	74/1992 allowed on 27.03.1998	Nil	01.09.1998	Muster Assistant
30.	Bhagwan Hanumant	05.06.1986	31.10.1987	58/92 allowed on 21.4.2001	2956/1999 disposed of	24.12.1998	Muster Assistant

	Awate				on 14.9.1999		
31.	Shivaji Atmaram Dadape	06.07.1983	30.08.1987	81/92 allowed on 17.09.1998 81.92 filed by Dy. Eng. Dismissed on 24.04.2001	Nil	05.03.1999	Muster Assistant Retired on 31.05.2018
32.	Bhaskar Raghunath Gore	07.10.1982	19.02.1988	62/1992 allowed on 24.07.1998	2958/1999 disposed on 09.08.2000	24.12.1998	Muster Assistant Retired on 31.06.2012

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 Applications is disposed of.

