

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

**WRIT PETITION NO. 2982 OF 2018
WITH
INTERIM APPLICATION (ST.) NO. 10261 OF 2022**

Shri. Mohan Gopal Gosavi

....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 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. 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. NO.	Name of Petitioner	Date of Appointment	Termination	Reference IDA No./Complaint/Revision No. and Decision	Reinstatement as per Court order	Present Status
1.	Mohan Gopal Gosavi	04.08.1983	15.11.1987	238/1990 Allowed Exhibit "U-2" on 21.06.1990 Rev. No. 165/1994 restraining order on 03.10.1994 Complaint ULP No. 104/1994 on 06.09.1994 status quo Rev. No.26/1994 Dismissed on 09.02.2005	Petitioner continuously worked from 27.06.1990 till retirement.	Absorbed as a Talathi w.e.f. 04.09.2003. Retired on 30.04.2012.

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.

NEETA
SHAILESH
SAWANT

Digitally signed
by NEETA
SHAILESH
SAWANT
Date: 2023.04.11
12:46:24 +0530

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)