

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4816 OF 2019**

Shri. Bhanudas Damodar Bhoge
and Ors.

....Petitioners

V/s.
The Secretary, Planning Dept.,
Mantralaya 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. 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/Complaint No. and Revision and Decision	High Court Writ Petition No.	Reinstatement	Present Status
1.	Shri. Bhanudas Damodar Bhoge	15.10.1985	01.04.1988	28/1993	6912 of 1999, Disposed off	09.04.1999	Retired on 31.05.2015
2.	Shri. Balbhim Namdeo Awate	01.10.1982	07.10.1988	56/1992	4257 of 1999, Dismissed for default	31.12.1998	Retired on 31.05.2015
3.	Shri. Govind Shivaji Gaikwad	01.01.1988	01.04.1989	14/1993	4885 of 1995, disposed off	05.02.2000	Muster Assistant

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 is disposed of.

NEETA
SHAILESH
SAWANT

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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)