

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12167 OF 2019
WITH
INTERIM APPLICATION (ST.) NO. 10230 OF 2022**

Shri. Ashok Shivaji Dhore

.....Petitioner

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 respondent 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 directions 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.n o.	Name of petitioner	Date of Appointment	Termination	Reference IDA/ Complaint No. and Revision Decision	High Court Writ Petition No.	Date of Rejoining as per Court order	Present Status	Page Nos .
1.	Ashok Shivaji Dhore	12.06.1986	---	---	Nil	Worked from 12.06.1986 to 01.02.2017 and from 02.02.2017 till retirement, he is not allowed to work	Retired on 30.09.2019 as a Muster Assistant	

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.

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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)