



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 7876 OF 2021

SUNIL GANPAT VIDHATE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY

Mr.L.S. Mahajan, Advocate for the petitioners.

Mr.PK. Lakhotiya, AGP for the respondent/State.

Mr.N.N. Desale, Advocate for respondent No.3.

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATED : 29.01.2024

PC :-

01. The petitioners have putforth prayer clauses (B), (C) and (D) as
under :-

“(b) By way of appropriate writ, order or direction in the like nature, this Hon’ble High Court may kindly direct the respondent No.3 to bring the appointments of the petitioners against the sanctioned posts on the establishment of the Dhule Municipal Corporation, Dhule.

(c) By way of appropriate writ, order or direction in the like nature, this Hon’ble High Court may kindly direct the respondent No.3 to extend the benefits of VIth Pay Commission from 01.01.2006 as well as further to extend the benefits in favour of the petitioners under Time Scale Promotion Scheme upon completion of 12 years service from their initial dates of appointment, so also on completion of 24 years of service as per the scheme framed by the State Government.

d) By way of appropriate writ, order or direction in the like nature, this Hon'ble High Court may kindly direct the respondents authorities be directed to make difference of the payments of arrears of Vth Pay Commission which has been given effect from 06.11.2010 and further direct the respondent authorities to bestow with the benefits of VIth Pay Commission Scheme along with the amounts of difference.”

02. The judgment of this Court dated 24.02.2020, delivered in Writ Petition No.6852 of 2019 filed by **Raju Sadashiv Patil and ors. Vs. The State of Maharashtra and Ors.**, is cited.

03. The learned Advocate representing the Corporation submits that identically placed employees have been absorbed in employment considering their seniority. The order of this Court in **Raju Sadashiv Patil (Supra)** has also been implemented.

04. In view of the above, **this Petition is disposed off** with the following directions:-

a) The respondents shall consider cases of these petitioners for regularization in service on vacant sanctioned post by taking into account their seniority and grant regularization with consequential benefits.

b) The petitioners shall be entitled for the actual financial benefits for a period of three years preceding the date of

the filing of this petition, as notional benefits would be available from the date on which they are deemed to have been regularised from the date of the Judgment of the Industrial Court.

c) In the event of some of the petitioners having retired, benefits of this order and the order passed in **Raju Sadashiv Patil (Supra)** would be available to them to the extent of their retiral benefits.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]