



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

951 WRIT PETITION NO. 8032 OF 2020

The State Of Maharashtra
VERSUS
Nilkant Ramchandra Sonwane

...
AGP for the Petitioner : Mr. S. S. Dande
Advocate for Respondent : Mr. Parag V. Barde
...

CORAM : ARUN R. PEDNEKER, J.

Dated : October 15, 2024.

PER COURT :-

1. Heard the learned counsel for the parties.

2. The petitioner State challenges the award passed by the Labour Court, dated 28/02/2019, holding that the act of the First Party terminating the service of the Second Party w.e.f. 01/01/1989 was illegal and against the provisions of law. The Labour Court further directed consideration of the Second Party's case in accordance with the Government Resolutions dated 01/12/1995 and 21/04/1999, and subsequent Resolutions and Circulars dealing with the questions of regularisation and absorption of Mustering Assistants, for the purpose of extending benefits of continuation in service since 01/01/1989 and after-retirement benefits, but without back wages.

3. After hearing the parties for some time, it has been pointed out that

in an identical factual situation concerning Mustering Assistants, this Court, in the case of **Ashok Bhikanrao Deshmukh vs. The State of Maharashtra and Ors., reported in 2024 MCR 135**, and in an earlier judgment in **The Executive Engineer, Minor Irrigation Division No.2 vs. Ravindra s/o Prabhakar Bramhane, Writ Petition No. 6310/2021, decided on 24/03/2022**, granted compensation instead of retirement benefits. In the latter case, this Court awarded compensation of Rs. 1.5 lakh. However, the same was challenged before the Hon'ble Supreme Court in **SLP (Civil) Diary No. 26172/2022 (Ravindra vs. The Executive Engineer, Minor Irrigation Division No.2)**, and the Supreme Court enhanced the total compensation to Rs. 3 lakh. Subsequently, the Division Bench of this Court, in the case of **Ashok Bhikanrao Deshmukh (supra)**, directed compensation at the rate of Rs. 1 lakh per year of service for an identical employee. The parties are not disputing the applicability of this judgment to the present case.

4. In view of the same, considering the service of the petitioner from 01/08/1982 to 31/12/1988, this Court grants compensation to the employee at the rate of Rs. 1 lakh per year, i.e., for 6 years and 4 months, rounded to Rs. 6,50,000/-. The impugned order stands modified

accordingly.

5. The compensation amount, as above, shall be deposited before the Labour Court, Ahmednagar, within eight weeks from the date of uploading of this order. The respondent will be entitled to withdraw the same.

6. In view of the above, the petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.