



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1796 OF 2024

(The State of Maharashtra and another...Vs... Smt. Vandana wd/o. Motiram Lengure,)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms. Deepali Sapkal, AGP for counsel for petitioners

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : MARCH 14, 2024

Heard.

2. Challenge is to the order dated 8.6.2023, passed by Maharashtra Administrative Tribunal ("Tribunal").

3. Having regard to the law laid down by the Hon'ble Apex Court in the case of *Shaikh Miya s/o. Shaikh Chand Vs. State of Maharashtra* in *Civil Appeal No. 6531-6533/2022* ("*Shaikh Miya s/o. Shaikh Chand*"), decided on 7.9.2022, as directed that the deceased husband of the respondent is entitled to the pensionary benefits by considering her entry in the service w.e.f. 31.3.1997. Further directions are issued to the petitioner to take steps for releasing terminal benefits in the form of pension and such other emoluments as is entitled for.

4. Learned AGP Ms. Deepali Sapkal, while questioning the order impugned would urge that the aforesaid approach on the part of the learned Tribunal goes contrary to the very policy of the State Government as reflected in the Government Resolutions dated 1.12.1995 and 1.4.1999. According to her, the services of Muster Assistant were though directed to be absorbed, still fact remains that such benefits since were not extended to the deceased employee, the respondent, who was applicant before the Tribunal is not entitled for the claim, and as such, sought interference in the order impugned passed by learned Tribunal.

5. We have appreciated the aforesaid submissions in the light of the observations made by learned Tribunal in the impugned order dated 8.6.2023. The respondent, who was applicant before the Tribunal is admittedly the legal heirs of widow of the employee, who was working as Muster Assistant. It was claimed that the said person was working as Muster Assistant since 28.1.1998 and continued on the said post till his death i.e. 22.11.2012.

6. The relief was claimed by the respondent widow in view of the law laid down by the Hon'ble Apex Court in the matter of ***Shaikh Miya s/o. Shaikh Chand*** referred above as the litigation in relation to the absorption of services of Muster Assistant on the regular establishment of State Government or the statutory bodies has attained finality upto the Hon'ble Apex Court. The State Government has already absorbed the services of similarly placed employee like that of deceased husband of the respondent, who was admittedly working as Muster Assistant.

7. In the aforesaid background, when confronted, nothing contrary could be brought on record so as to draw an interference the relief granted by the learned Tribunal is not in tune with the law laid down by the Hon'ble Apex Court in the matter of ***Shaikh Miya s/o. Shaikh Chand*** cited supra. Apart from above, the learned Tribunal has also relied upon the observations made in ***Writ Petition No. 5748/2019 (Dilip s/o. Laxman Katlawar Vs. The State of Maharashtra and others)***, delivered by this Court.

8. In this background, we hardly see any reason to cause interference in the order impugned passed by the learned Tribunal.

9. The writ petition accordingly sans merits, stands dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)