



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

WRIT PETITION NO. 2265 OF 2024

e State of Maharashtra and another Vs. Sheshrao s/o Shankarrao Dewajwar and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M. Ukey, Additional Government Pleader for petitioners.
Mr. S.P. Palshikar, Advocate for respondent Nos. 1 and 2.

**CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.**
DATED : 07-10-2024

The State is aggrieved by the judgment passed by the Maharashtra Administrative Tribunal, Nagpur Bench Nagpur ("Tribunal") in Original Application No. 370/2023, thereby directing the petitioners in the present petition to regularize services of the respondents (original applicants), who claimed to have been working as Muster Assistant with effect from the date of appointment i.e. 31.3.1997 and paying all the service benefits including the pensionary benefits within a period of three months.

Heard Mr. Ukey, learned Additional Government Pleader for petitioners/State and Mr. S.P. Palshikar, learned Counsel representing respondent Nos. 1 and 2.

2. Perusal of impugned judgment, would reveal that the Tribunal has referred to the decision of the High Court at Aurangabad in case of the ***State of Maharashtra and Others Vs. Uttam s/o. Narayan Vendait*** in Writ Petition No. 8468/2015, decided on 16.12.2015, wherein it was held that the services of Mustering Assistants are to be regularized from their initial date of engagement as Mustering Assistant.

The Tribunal again referred to the decision of the Hon'ble Apex Court which has held that the service of Mustering Assistant shall be counted from 31.3.1997 for the purpose of pensionary

benefits.

A specific stand of the State Government is to the effect that what is required to be taken into consideration is the cut off date as was determined by the Government Resolution for making the Mustering Assistant entitled for absorption.

3. The limited grievance of the State is that without granting an opportunity to put its stand, the Tribunal proceeded to allow the Original Application, by issuing direction to regularize the applicants before the Tribunal.

In the fairness of things and since we are of the opinion that the State deserve to put its stand before the Tribunal, we deem it appropriate to set aside the impugned judgment and remand the Original Application No. 370/2023 to the Tribunal with an expectation that the State Government shall file its affidavit-in-reply within a period of four weeks and the Tribunal shall decide the Original Application after affording an opportunity of hearing within a period of six weeks therefrom.

4. The petition stands disposed off.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)

R.S.Belkhede, PA.