



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

905 WRIT PETITION NO. 15464 OF 2023

Subhash Devidas Kulkarni

VERSUS

The State Of Maharashtra Through Its Secretary And Others

906 WRIT PETITION NO. 7864 OF 2024

Bhausahab Vishnu Bhonde And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

907 WRIT PETITION NO. 3538 OF 2025

Gorakh Ganpat Dhokale

VERSUS

The State Of Maharashtra Through Its Secretary And Others

908 WRIT PETITION NO. 3539 OF 2025

Baban Bhau Londhe

VERSUS

The State Of Maharashtra Through Its Secretary And Others

909 WRIT PETITION NO. 3540 OF 2025

Bhaskar Raoji More

VERSUS

The State Of Maharashtra Through Its Secretary And Others

910 WRIT PETITION NO. 3541 OF 2025

Baban Nana Vyavhare

VERSUS

The State Of Maharashtra Through Its Secretary And Others

911 WRIT PETITION NO. 3542 OF 2025

Asaram Siddheshwar Mhaske

VERSUS

The State Of Maharashtra Through Its Secretary And Others

912 WRIT PETITION NO. 3543 OF 2025

Vilas Kundlik Kakade

VERSUS

The State Of Maharashtra Through Its Secretary And Others

913 WRIT PETITION NO. 3548 OF 2025

Ramchandra Keshav More

VERSUS

The State Of Maharashtra Through Its Secretary And Others

914 WRIT PETITION NO. 3550 OF 2025

Baban Kashinath Bhagat

VERSUS

The State Of Maharashtra Through Its Secretary And Others

Mr. A. D. Sonkawade h/f Mr. K. B. Jadhav, Advocate for Petitioners
Mr. V. M. Kagne, Mr. S. B. Narwade, Mr. R. S. Wani, AGPs for respondent-
State in respective matter

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 17th December, 2025

PER COURT :-

1. Heard Mr. Sonkawade, learned Advocate, holding for Mr. Jadhav, learned Advocate for the petitioners. All the petitioners were claiming pensionary benefits in view of the order passed by the Hon'ble Supreme Court on 07.09.2022 in Civil Appeal No. 6531-6533 of 2022. All the petitioners are stated to be working as Muster Assistant, and the petitioners being similarly situated employees are getting pension and difference of pay. The Government of Maharashtra brought out a scheme on 01.12.1995 and the differences arose. However, again by another Government Resolution dated 21.04.1999, the Government sought to absorb the Muster Assistants Class III and IV to the posts as per their educational qualification. In view of the orders passed by this Court, out

of 5684 Muster Assistants 2449 Muster Assistants were absorbed. Thereafter, this Court had then directed that the remaining persons i.e., Muster Assistants should be absorbed with effect from 31.03.1997. Hon'ble Supreme Court observed :-

It is trite to say that the question of payment of pension would arise only if the pensionary service is completed. Thus the question would be as to what is the period of service which will have to be counted for such pensionable service.

In our view, what the Bench considered appropriate to issue notice was really the aspect that since the absorption occurred over a period of time, and that may have deprived some persons to their service as permanent employees, it should be the notional date of absorption of 31.03.1997 which should be taken into account for determining the pensionable service.

In our view, this is also what the Industrial Courts have done where relief has been granted and it has been accepted by the State.

We are thus of the view that the only direction which can be issued is that persons who has been absorbed over a period of time post 31.03.1997, for pensionable service, the reckoning date would be 31.03.1997 and such of the persons who have rendered a pensionable service on that basis would be entitled to that benefits.

2. We have heard and perused various affidavits-in-reply on behalf of State Government in all the matters wherein the main contention of the Government is that the present petitioners were not absorbed in the service. In some matters, it is also stated that even the claim of the concerned petitioners has been rejected only on the said

ground and the same was communicated to the respective petitioner.

3. Taking into consideration all these aspects and after the disinclination is shown by this Court to grant relief in absence of absorption order, the learned Advocate for the petitioners, upon instructions, seeks liberty to withdraw the petitions with liberty to appear before appropriate forum for regularization/absorption.

4. In view of the aforesaid statement, we dispose of the petitions with liberty by getting all the points in respect of petitioners as well as the respondents upon including the issue of delay.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi