



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

WRIT PETITION NO. 3033/2014.

Milind Narayan Darvyakar

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.S. Patil, Advocate for the Petitioner.

Shri N.R. Patil, A.G.P. for Respondents.

CORAM : NITIN W. SAMBRE
AND M.M. NERLIKAR, JJ

DATE : JULY 08, 2025.

Heard.

2. The petitioner a former constable with the respondent State Excise Department was initially appointed vide an order of appointment dated 17.07.1990. Vide order dated 06.02.2003 he was promoted as a Clerk. Having worked on the said post for about two years, on 28.03.2005 the petitioner sought repatriation on the post of constable, as he was unable to discharge the duties because of his adverse condition.

3. Accordingly an order came to be issued on 11.05.2006, re-posting the petitioner on the post of constable. This order was conditional, and amongst other conditions on which the petitioner was granted re-posting on the post of constable, the petitioner lost his seniority and placed as junior most in the seniority list.

4. This prompted the petitioner to prefer Original Application No.36/2012 which came to be dismissed vide order dated 11.02.2014. Being aggrieved by the same, the petitioner has preferred this petition.

5. We have heard Shri Patil, learned Counsel for the petitioner for some time. He has invited our attention to order dated 28.08.2019 filed along with an additional affidavit. According to the learned Counsel, the State Government has already cancelled the conditions, whereby his seniority was restored and as such main contest in the petition is rendered infructuous. He states that the only grievance which remains is for release of consequential benefits to him and for which a direction needs to be issued. It is also informed that the petitioner has already been superannuated.

6. In that view of the matter, as the order of State

Government allowing the appeal of the petitioner preferred under the provisions of Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 came to be allowed vide order dated 28.08.2019, the least that was expected of the State Government was to pass a consequential order releasing the benefits in favour of the petitioner.

7. That being so, we deem it appropriate to dispose of the writ petition by passing following order :

(a) We permit the petitioner to appear before the District Superintendent of State Excise, Amravati on 28.07.2025 along with his service book and other service record. It shall be the duty of the District Superintendent of State Excise, Amravati to complete all the documents in regard to the entitlement of the petitioner after the seniority was restored to his original post as constable, pursuant to the order passed by the Appellate Authority dated 28.08.2019, within a period of four weeks.

(b) Once the entire record is submitted before the Commissioner, State Excise by the District

Superintendent of State Excise, the
Commissioner, State Excise shall deal with and
ensure release of all consequential benefits within
a period of 3 months thereafter.

8. With above observations, Writ Petition is disposed
of. Consequently, all pending Civil Applications also stand
disposed of.

JUDGE

JUDGE