

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13941 OF 2022

Ashok Narayan Solankar

...Petitioner

Versus

The State Of Maharashtra Thru Chief
Secretary And Ors

...Respondents

Mr. Dhananjay Bhosale i/b Mr. K.D. Bhosale for the Petitioner.

Mr. Nitesh Bhutekar for the Respondent No.3.

Mr. B.V. Samant, Addl. G.P. a/w Ms. Rupali Shinde, AGP for
Respondent Nos. 1 and 2/State.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 26 MARCH 2024

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NITIN
CHAVAN

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P.C. :

. The Petitioner has challenged the order dated 26 April 2022 based on Government Resolution dated 7 April 2007 issued by the General Administrative Department, State of Maharashtra. Though the Petitioner has sought a relief personal to the Petitioner regarding payment of gratuity and other pensionary benefits, the impugned order is general in nature.

2. We are informed that Respondent No. 3 is an autonomous body, set up for promotion of Marathi language. The Government Resolution dated 7 April 2007, while sanctioning the posts states that since Respondent No.3 is autonomous body, 13 posts that are sanctioned, not being Government Servants, and merely because

since posts have been sanctioned, retiral benefits will not be made available to the employees therein.

3. As far as the Petitioner is concerned, the learned counsel for the Respondent No.3 states and which is also stated in the Writ Petition that there are other issues *qua* this petition regarding pendency and the inquiry etc.

4. The State has filed reply, wherein on the larger issue it is stated that though Respondent No.3 is 100% Government aided institute, the employees are not entitled to pensionary benefits not being government employees.

5. *Prima facie* stand taken in the reply is not satisfactory as in various autonomous bodies which are 100% aided, retiral benefits are being extended. Therefore, the additional reply affidavit be filed setting out the rationale behind not extending the retiral benefits to this particular institution and rationale behind the Government Resolution issued to that effect.

6. We are sure that the State Government is aware that the Respondent No.3 is an Institute set up for the promotion of the Marathi language and appropriate reply in that context is expected.

7. Stand over to **21 June 2024.**

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)