

ITEM NO.1

COURT NO.14

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4862/2020

(Arising out of impugned final judgment and order dated 25-02-2019 in WP No. 6261/2018 passed by the High Court Of Judicature At Bombay)

THE STATE OF MAHARASHTRA & ORS.

PETITIONER(S)

VERSUS

BALWANT RAGHU NALAWADE & ORS.

RESPONDENT(S)

(IA No.4828/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.4831/2020-EXEMPTION FROM FILING O.T. , IA No. 121698/2021 - APPLICATION FOR PERMISSION, IA No. 14764/2021 - APPLICATION FOR PERMISSION, IA No. 4828/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 4831/2020 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 9426/2021 (IX)

(IA No.79212/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.79214/2021-EXEMPTION FROM FILING O.T. and IA No.79215/2021-EXEMPTION FROM FILING AFFIDAVIT)

SLP(C) No. 12551/2021 (IX)

(IA No. 99087/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 99090/2021 - EXEMPTION FROM FILING O.T., IA No. 99093/2021 - PERMISSION TO FILE ADDITIONAL, DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 13574/2021 (IX)

(FOR ADMISSION and I.R. and IA No.109865/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.109866/2021-EXEMPTION FROM FILING O.T. and IA No.109868/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-10-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv
Mr. Sachin Patil, AOR.
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.

For Respondent(s) Mr. Braj Kishore Mishra, Adv.
 Mr. Makarand D. Adkar, Adv.
 Mr. Vijay Kumar, Adv.
 Ms. Bharti Tyagi, AOR

Mr. Devdutt Kamat, Sr. Adv.
 Mr. Shirish K. Deshpande, AOR
 Ms. Rucha Pravin Mandlik, Adv.

Mr. Anand Dilip Landge, Adv.
 Mr. Sagar N. Pahune Patil, Adv.
 Ms. Sangeeta Pahune Patil, Adv.
 Mr. Rushikesh Pahune Patil, Adv.
 Mr. Gopal Balwant Sathe, AOR

UPON hearing the counsel the Court made the following
 O R D E R

SLP(C) No. 4862/2020

Mr. Shekhar Naphade, Learned Senior Counsel for the petitioners submit that the respondents herein were considered for regularization in terms of G.R. dated 21.10.1995 followed with 22.10.1996 and in furtherance thereof a further G.R. dated 10.03.2005. Pursuant thereto the respondents herein were regularized by an order dated 31.05.2012, which came to be further clarified by an order dated 31.07.2012.

Mr. Naphade submits that the respondents are entitled to seek all benefits from the date of passing of the order of their regularization, i.e. 31.05.2012 and not prior thereto.

Learned Counsel for the respondents, on the other hand, submits that in terms of the circular/G.O. which has been referred to, the period of service which has been rendered after 01.06.1996 in reference to which salary has been paid to each of them, they

are no more be treated as non-salaried copyist, are entitled to claim all benefits in terms of Para '3' of G.O. dated 10.03.2005, which has been referred to at Page '99' of the paperbook.

Learned Senior Counsel for the petitioners disputes this factual position. He may file a clarification affidavit.

The respondents are also at liberty to file counter affidavit thereafter, if so advised.

List the matter along with connected matters on 17.11.2021.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)