IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10793 OF 2022

1. The State of Maharashtra }
Through Secretary, Medical Education }
& Drugs Department, Mantralaya, }
Mumbai. }

2. The Director, Directorate of Medical }
Education and Research, Mumbai. }

3. Dean, Grant Medical College & }
J. J. Group of Hospitals, Mumbai. }

..**Petitioners**

Versus

1. Mayavati Ramchandra Sawant, }
Age: 55 years, Occ: Aaya, }
Joining date of service : 21-01-1986, }
A Block Behind Zopdapatty, Sir JJ }
Group of Hospital, Byculla, Mumbai 400 008 }

2. Shakutla Ashok Gaykwad, }
Age :55 years, Occ: Ward Boy, }
Joining date of service : 06-05-1987, }
J. J. Compound, C/Block, Back Side Cha, }
Room No.14, Byculla, Mumbai 400 008. }

3. Nitesh Anant Sawant, }
Age: 51 Years, Occ: Ward Boy, }
Joining date of service :01-08-1988, }
Vignaharta Park, C/1, Adarsh Nagar, }
Goandevi Marg, Malang Road, Chakk Naka, }
Kalyan (E, Pin code No.421 306) }

4. Sachin Shyam Bhojane, }
Age : 44 years, Occ: Ward Boy, }
Joining date of service : 10-05-1993 }
C/3, Atharva, Room No.401, Gouri Wstate }
Manjarli Gaon, Deepali Park, Badlapur (W) }

5. Satish Laxman Vayangankar, }

Age : 45 years, Occ: Peon, }
Joining date of service :06/08/1993, }
Room No.201, Building No.3, }
Shri Saraswatidevi Co-op Society, }
Rahul Estate, B Cabin Road, }
Ambernath (E 421 301) }

6. Arvind Prabhakar Chavan, }
Age:48 years, Occ: Ward Boy, }
Joining date of service :01-10-1993 }
Parashiwade, Nawin Chawl, Room No.02 }

7. Pradeep Keshav Lohara, }
Age :45 years, Occu: Ward Boy, }
Joining date of service:13-02-1995 }
Nav Uday Kiran Apt. 3/18, Behind Navghar }
Police Station, Navghar Phatak Road, }
Bhayandar (E), Thane 401 105 }

8. Ganpat Anant Kawale, }
Age:45 years, Occ: Ward Boy, }
Joining date of service :01-07-1994, }
Mhada Transit Camp, 90 Feet Road, }
Indra Nagar, Kokari Agar, Chawl No.F-22 }
Room No.1 GTB Nagar 37, Wadala. }

9. Shashikant Gopichand Ghadi Gaonkar, }
Age:44 years, Occu: Ward Boy, }
Joining date of service :08-07-1995, }
162, Samta Chwal, Salt Pen Road No.10, }
Anand Wali, Wadala East Mumbai 37 }

10. Shivaji Dada Darekar }
Age:44 years, Occ: Ward Boy, }
Joining date of service :01-10-1995 }
Room No.09, Bhim Srmuti Chawal, Opp. Tulsi }
Niwas, Ayaregaon Dombivali (E) 421 201. }

11. Vilas Bhanu Chaukekar, }
Age:43 years, Occu:Ward Boy, }
Joining date of service: 01-11-1995 }
JJ Hospital Compound, B Block, Room No.3, }
Byculla, Mumbai 400 008. }

12. Archana Arvind Darekar, }
Age:57 years, Occ: Ward Boy, }
Joining date of service : 06-05-1996 }
Wayerman Patra Chawl, Room No.02, }
JJ Hospital Compound, Mumbai 08. }

13. Sunanda Bhikaji Kamble, }
Age : 58 years, Occu. Ward Boy, }
Joining date of service : 24-01-1997. }
Samrat Ashok Nagar, Borla Gondi, }
Room No.233, Mumbai 400 088. }

14. Madhura Mahendra Utekar, }
Age: 48 years, Occu. Ward Boy, }
Joining date of service : 01-04-1997 }
JJ Hospital, B Block, 1st floor, Room No.29, }
Byculla, Mumbai 400 008. }

15. Bapu Namdev Vengurlekar, }
Age: 42 years, Occu. Ward Boy, }
Joining date of service : 01-04-1997, }
7/2 Venus Shetty Chawal, Pratap Nagar Road, }
Hanuman Nagar, Bhandup (W) }
Mumbai 400 078 }

16. Sanjay Nilkanth Kadam, }
Age : 43 years, Occu. Ward Boy, }
Joining date of service : 01-05-1997 }
Sahjeevan C.H.S. Flat No.612, Near CNG Pump, }
Mhada Colony, Ambernath (E,) 421 501. }

17. Adhik Dagdu Waydande, }
Age : 43 years, Occu. Ward Boy, }
Joining date of service: 02-05-1997, }
Near Mangirabad Mandir, }
Ganga Jamuna Chawal No.8, Room No.10, }
Annabhau Sathe Nagar, Munkhurd (W) }
Mumbai 400 043 }

18. Dhanrai Ananda Gavali, }
Age : 54 years, Occ. Ward Boy, }
Joining date of service : 09-05-1997 }
Shshekant Call Surya Nagar, Vittava, }

Room No.2, 400 605. }

19. Pravin Baban More, }
Age : 40 years, Occu. Ward Boy, }
Joining date of service: 12-05-1997 }
Room No.-54, Manubhai Chawl, }
Saidham Society, Anand Nagar Road, }
Navi Mumbai 400 708 }

20. Ganesh Vilas Ballal, }
Age: 41 years, Occu. Ward Boy, }
Joining date of service : 13-05-1997 }
Room No.-89, B Block, 3rd floor, }
Cement Chawal, JJ Hospital Compound, }
Byculla, Mumbai 400 008 }

21. Ashok Dnyandeo Ovhal, }
Age: 41 years, Occu. Ward Boy, }
Joining date of service : 14-05-1997 }
5/1, Panchavati Colony, Parvati Nagar, }
Vitthalwadi (E, Kalyan 421 306 }

22. Rajendra Pandurang Trilotkar, }
Age: 46 years, Occu. Ward Boy, }
Joining date of service : 15-05-1997 }
B.I.T. Chawal No.6, Room No.11, }
Balacic Road, Mumbai Central, }
Mumbai 400 008 }

23. Shridhar Maruti Sawant, }
Age: 45 years, Occu. Ward Boy, }
Joining date of service : 15-05-1997 305, }
Sai Niketan Apartment, Goddev Gon }
Bhayander (E. }

24. Sanjay Maruti Kamble, }
Age : 43 years, Occu. Ward Boy, }
Joining date of service : 16-05-1997 }
1s floor, Motlabhai Chawl, Room No.19, }
JJ Hospital Campus, Byculla, }
Mumbai 400 008 }

25. Vasanti Dattaram Jadhav, }

Age : 51 years, Occu. Ward Boy, }
Joining date of service : 30-05-1997 }
JJ Compound, A Block, First Floor, }
Room No.40, Byculla, Mumbai. }

26. Hanumant Dagadu Waydande, }
Age: 52 years, Occu. Ward Boy, }
Joining date of service 01-07-1997 }
Ganga Jamuna Chawl, Room No.9, Annabhau }
Shathe Nagar, Mankurd,Mumbai }

27. Sangita Satyawant Jadhav, }
Age : 46 years, Occu. Ward Boy, }
Joining date of service : 01-07-1997 }
JJ Hospital Compound, Motalabai Chawl, }
1st floor, Byculla, Mumbai 400 008 }

28. Sangram Bhambu Salvi, }
Age: 37 years, Occu. Ward Boy, }
Joining date of service : 01-07-1997 }
Sanjay Gandhi Nagar, Trilok Society, }
Near Limbuni Buddha Vihar, }
Vikroli Parksite Mumbai 400 079 }

29. Nilesh Tukaram Utekar, }
Age: 41 years, Occu. Ward Boy, }
Joining date of service : 10-07-1997 }
Flat No.404, 4th floor, Shradha Saburi Building }
Nandivali Village, Bhopar Road, Dombivli (E }
Thane 421 201. }

30. Raghunath Ganpat Amberkar, }
Age: 41 years, Occu. Ward Boy, }
Joining date of service : 01-08-1997 }
Shree Sadguru Krupa Colony, Chall No.1, }
Room No.17, Laxminagar Nandivali, }
Kalyan (E 421 306. }

31. Nilesh Mahadev Kondalkar, }
Age: 42 years, Occu. Ward Boy, }
Joining date of service : 08-02-1997 }
Building No.87/102, A Wing, Kannawar Nagar-2 }

Vikhroli E, Mumbai 400 083 }

32. Krishna Apaji Vazarkar, }
Age: 40 years, Occu. Ward Boy, }
Joining date of service : 18-08-1997 }
Ganesh Darshan, First Floor, }
Room No. 10, Star Colony, Jagnnath Palace, }
Dombivali (E }
Thane 421 201. }

33. Suresh Ramchandra Kamble, }
Age: 54 years, Occu. Ward Boy, }
Joining date of service : 19-08-1997 }
F/20, Sidhartha Nagar, Bapty Road, P.P. Marg, }
Mumbai 400 008. }

34. Ganesh Maruti Pawar, }
Age: 41 years, Occu. Ward Boy, }
Joining date of service : 02-09-1997 }
Shivneri Ekta Chawl 6, Road No.32, }
Jai Bhavnai Nagar, Wagle Estate, Thane. }

35. Mahindra Rajaram Dalvi, }
Age: 41 years, Occu. Ward Boy, }
Joining date of service : 09-09-1997 }
JJ Hospital Compound, Cement Chawl, }
B Block, 2 floor, Room No.56, Mumbai 8 }

36. Anand Murari Shetve, }
Age : 43 years, Occu. Ward Boy, }
Joining date of service: 01-10-1997, }
1202, Royalcauty, CO OP. HOS. SOC. }
Samrat Ashok Nagar, Near Datta Mandir, }
Nallasopara (W, Mumbai 401 303 }

37. Mahendra Dhondu Jadhav, }
Age : 40 years, Occu. Ward Boy, }
Joining date of service : 01-10-1997 }
Arjun Chawl No.-02, Room No.11, Laxminagar }
Chinchapada, Katemanivali Kalyan East }
Mumbai 421 306. }

38. Ganesh Sudam Kadam, }

Age: 42 years, Occu. Ward Boy, }
Joining date of service : 01-10-1997 }
Anand Bhavan Soc. Room No.16, Saytribai }
Nagar, Near Thane-Vashi, Railway Line, }
Ganpati Pada Digha, Navi Mumbai 400 708. }

39. Sakshi Sanjay Sawant, }
Age : 42 years, Occu. Ward Boy, }
Joining date of service : 01-10-1997 }
Shivneri Nagar, Near MIDC Water Tank Road, }
Behind Birla Mandir, Dhobighat, Ulhasnagar }
Kalyan Thane 421 103 }

40. Yogini Yashwant Dalvi, }
Age : 50 years, Occu. Ward Boy, }
Joining date of service : 18-10-1997 }
B/46, Sir JJ Compound, Byculla, }
Mumbai 400 008 }

41. Anant Dhondu Jadhav, }
Age : 41 years, Occu. Ward Boy, }
Joining date of service : 01-11-1997 }
Arjun Chawl No.02, Room No.11, Katemanivali, }
Naka Laxmi Nagar Chinchpada Gaon, Kalyan (E }
Thane 421 306 }

42. Sandeep Shankar Uttekar, }
Age : 42 years, Occu. Ward Boy, }
Joining date of service : 01-11-1997 }
Sai Krup Chawl, Chawl No.3, Room No.2, }
Chinchpadagaon, Laxmi Nagar, Near Old }
Grampachyat office, Kalyan (E, Katemanvli, }
Thane 421 306. }

43. Mangesh Tulshiram Jadhav, }
Age : 45 years, Occu. Ward Boy, }
Joining date of service : 18-10-1997 }
Bldg No.69, Room No.1853, Kannamwar Nagar }
No.2, Vikhroli (E, Mumbai 400 083 }

44. Dinesh Krishna Utekar, }
Age : 42 years, Occu. Ward Boy, }
Joining date of service : 02-05-1998 }

Room No.06, Ishwar Bapu Chawl, Shivaji Nagar }
Jurimari Krula 72 }

45. Sunita Ram Vatkar, }
Age : 46 years, Occu. Ward Boy, }
Joining date of service : 04-05-1998 }
Shatree Nagar, Annasheth Chawal, Bhind Dogdi, }
Building, Room No.148, Dharavi, }
Mumhai 400 017 }

46. Vijaya Raju Navgire, }
Age : 44 years, Occu. Ward Boy, }
Joining date of service : 07-05-1998 }
Room No.27/27A, Sanjay Gandhi Nagar, }
Railway Compound, JJ Road, Byculla, }
Mumbai 400 008 }

47. Shubhangi Sunil Sugadare, }
Age : 51 years, Occu. Ward Boy, }
Joining date of service : 13-05-1998 }
Shree Shraddha Saburi Seva Sangh, }
Sakharam Buwa, Patil Marg, Gajdhar Baandh, }
Santacruz (West, Mumbai 400 054. }

48. Anil Hari Jadhav, }
Age : 43 years, Occu. Ward Boy, }
Joining date of service : 13-05-1998 }
Waliv Hanuman Nagar Panas Pada, Opp. }
Hanuman Mandir, Vasai (East, Umele, }
Thane 401 202 }

49. Subhash Arjun Kamble, }
Age : 44 years, Occu. Ward Boy, }
Joining date of service : 14-05-1998 }
At Post, Sawant Wadi, New Kashil Wada, }
Municiple Chawl. }

50. Sandeep Sitaram Pawar }
Age : 40 years, Occu. Ward Boy, }
Joining date of service : 14-05-1998 }
Alnkapuri CHS, I/105, Sector-10, Plot No.12, }
Near by Union Bank, Kamothe, }
Navi Mumbai 412 209 }

51. Sanjay Vishram Kadam, }
Age : 45 years, Occu. Ward Boy, }
Joining date of service : 15-05-1998 }
D-10, Room No.2, Khardev Nagar, MU Colony }
Ghatla Village, Chembur 400 071 }

52. Mangesh Vinayak Jangam, }
Age: 43 years, Occu Ward Boy, }
Joining date of service : 16-05-1998 }
B.D.D. Chawl No.29, Room No.33, S.M. Marg, }
Dilas Road, Dilaes Road, Delisle Road, }
Mumbai 400 013 }

53. Shivaji Rajaram Padwal, }
Age : 42 years, Occu. Ward Boy, }
Joining date of service : 18-05-1998 }
Room No.-02, Tagor Nagar, Haryli Vile, Behind }
Powar House, Vikhroli (E, Mumbai. }

54. Anant Prakash Kharade, }
Age : 43 years, Occu. Barbar/(Nabhik) }
Joining date of service : 01-06-1998 }
B-104, Alankapuri, Nayanraj Mauli Co-op. }
Society, Sector-10, Plot -12, Opp. Union Bank, }
Kamothe, Panvel - 410 209 }

55. Jayshree J. Gaiwad, }
Age: 44 years, Occu. Ward Boy, }
Joining date of service : 10-07-1998 }
Saklap Yogna Building, 1st floor, Room No.102, }
Katraj Road, Badlapur (E }

56. Sanjay Vijay More, }
Age : 47 years, Occu. Ward Boy, }
Joining date of service : 03-08-1998 }
Room No.2m Shiv Krupa CO OP HSG Society }
Katemanivali Road, Near S.T. Depot, }
Vitthal Wadi, Kalyan (East Thane 421 206 }

57. Krishna Maruti Kashitkar, }
Age: 42 years, Occu. Barbar (Nabhik) }

Joining date of service : 20-08-1998 }
Room No.9, Manubhai Chawl, SJC, }
Iswar Nagar, Digha, (Navi Mumbai 400 708 }

58. Nitin Raya Sakpal, }
Age : 43 years, Occu. Ward Boy, }
Joining date of service : 01-02-1998 }
Raya Sakpal, Chawl No.4, Room No.8, Parvati }
Chawl, Chinchpadagaon, Near Laxmi Nagar, }
Kalyan (E, Katemanivali, Thane 421 306 }

59. Sachin Tukaram Kadam }
Age : 43 years, Occu. Ward Boy, }
Joining date of service : 01-09-1998 }
Building No.89, Room No.2501, Kannamwar }
Nagar 2, Vikhroli (E, Mumbai 400 083 }

60. Sanjay Dattatray Nalawade, }
Age: 48 years, Occ. Ward Boy, }
Joining date of service : 01-10-1998 }
Om Ashtvinayak Co. Op. Housing Society Ltd. }
Room No.06, Chawl No.2, Laxmi Nagar }
Chinchpada Road, Kalyan (E 421 306 }

61. Rajendra Atmaram Patil, }
Age : 41 years, Occu. Ward Boy, }
Joining date of service: 01-10-1998 }
Gr. Floor, Motlabhai Chawl, Room No.11, JJ }
Hospital Campus, Byculla, Mumbai 400 008 }

62. Smita Shyam Bhojane, }
Age : 47 years, Occu. Ward Boy, }
Joining date of service: 01-11-1998 }
Rajgruha Apt. Room No.902, 19th Road, }
Khar Road (W }

63. Jayshree Balu Ware, }
Age: 50 years, Occu. Ward Boy, }
Joining date of service: 11-11-1998 }
Room No.4, Pitambar Bhaiya Chawl, }
Ambedkar Chowk, J.V. Link Road, }
Jogeshwari (E Mumbai 400 060 }

64. Suresh Chhotalal Waghela }
Age: 52 years, Occu. Ward Boy, }
Joining date of service : 01-01-1998 }
A-2/003 Unique Homes Tirupati Nagar PH-II }
Near Madhuvan Park Virar (W, Palghar 401 305 }

65. Santosh Devji Kadam }
Age :40 years, Occ. Ward Boy, }
Joining date of service : 01-01-1999 }
201 Ganga Sagar Building, 2nd floor, }
Umerkhadi Road, Dongri, Mumbai 400 009 }

66. Shridhar Sakharam Tayade, }
Age: 50 years, Occu. Ward Boy, }
Joining date of service : 01-02-1999 }
Bindu Mahadev Nagar, Anand Krupa Society }
Room No.502, Digha, Navi Mumbai 400 708 }

67. Vinod Deu Gawade, }
Age: 40 years, Occu. Ward Boy, }
Joining date of service : 01-02-1999 }
89/ 2492, Near Shivai Chowk, Kannamwar in }
Nagar 2, Vikhroli (E, Mumbai 400 083 }

68. Naresh Atmaram Pawar, }
Age : 42 years, Occu. Ward Boy, }
Joining date of service : 01-04-1999 }
Building No.87, Room No.603, 6th floor, Raigadh }
Co-operating Housing Society Pvt. Ltd, Kannawar }
Nagar No.2, Vikhroli (E, Mumbai 400 083 }

69. Vijay Nilkanth Kadam, }
Age: 40 years, Occu. Ward Boy, }
Joining date of service : 01-04-1999 }
A/ 201, Shree Rama CHS, Near Kunkai Gavdevi }
Mandir, Vitawa Thane, Belapur Road, }
Thane (E 400 605 }

70. Mahesh Gopichand Kadam, }
Age: 39 years, Occu. Ward Boy, }
Joining date of service : 01-04-1999 }
Room No.10, Siddhivinayak Chawl, }
Hanuman Takadi Chaitty Nagar, Hanuman }

Tekadi Pada No.30, Thane (W 400 606 }

71. Suvarna Pappu Jadhav }
Age: 38 years, Occu. Ward Boy, }
Joining date of service : 06-04-1999 }
Govind Apartment 'B' Wing, Room No.308, }
3rd floor, Saiath Nagar, Chandan Sar Road, }
Virar (E. }

72. Kavita Amrut Shinde }
Age: 43 years, Occu. Ward Boy, }
Joining date of service 01-05-1999 }
Chinchodyacha Pada, Near Hanuman Mandir }
Saibal Monu Building, First Floor, Room No.105 }
Dombivali (W 421 202 }

73. Sachin Balkrishna Salunke, }
Age : 40 years, Occu. Ward Boy, }
Joining date of service : 01-05-1999 }
Shreeramkrishna Hsg. Soc. Building, }
Room No.101, 1st floor, Opp. Bharat Gas }
Godown Mahalaxmi Nagar, }
Ambernath (E 421 501 }

74. Arjun Vijay Naik, }
Age: 40 years, Occu. Ward Boy, }
Joining date of service : 01-05-1999 }
Flat No.404, D Wing, Sunrise Residency, }
Badlapur, Karjat Highway. }

75. Mahendra Govind Malekar, }
Age: 43 years, Occu. Ward Boy, }
Joining date of service : 03-05-1999 }
Sadguru Krupa, Room No.2, Bhagat Wadi, }
Tukaram Nagar, Ayare Road, }
Dombivali (E 421 201 }

76. Sachin Dattaram Gole, }
Age : 39 years, Occu. Ward Boy, }
Joining date of service : 03-05-1999 }
Sagar Society, Sector No.02, Plot No.202, }
Room No.23, Charkop, Kandivali (W }

77. Ravindra Kashinath Shinde }
Age: 43 years, Occu. Ward Boy, }
Joining date of service : 04-05-1999 }
Navpanchak grhanirman Society, Gaikwad }
Chawl, Vinayak Chowk, Kalyan E }

78. Babu Dhondiba Patil }
Age : 48 years, Occu. Ward Boy, }
Joining date of service : 05-05-1999 }
Room No.7, Chawl No. 13, Rajershi Shabu Chawl }
New Shivaji Nagar, near Jagruti School, }
Kalwa (E 400 605 }

79. Dnyaneshwar Nivrutti Kalambe }
Age : 49 years, Occu. Ward Boy, }
Joining date of service : 05-05-1999 }
Room No.02, Surajbali Dube Chawl, }
Ramdas Chowk, New Mill Road, Kurla (W }
Mumbai 400 070 }

80. Rajendra Devji Gudekar, }
Age : 40 years,Occu. Ward Boy, }
Joining date of service: 05-05-1999 }
Room No.6, Shanti Doot Soc. Rahul Nagar, }
Vikhroli Parkshite (W, Mumbai 400,079 }

81. Atish Ravindra Pednekar, }
Age : 40 years, Occu. Ward Boy, }
Joining date of service: 05-05-1999 }
2-10, B2, 2nd floor, Saptashrugi Society, }
Juinagar (W, Navi Mumbai 400 706 }

82. Dilip Dataram Pawar }
Age: 39 years, Occu. Ward Boy, }
Joining date of service : 05-05-1999 }
Room No.403, A Wing, 4th floor, Naganth Galaxy, }
Sabe Road, Near Shree Swami Samath Mandir, }
Diva (E, Thane, Maharashtra 400 612 }

83. Deepak Tukaram Padwal, }
Age: 43 years, Occu. Ward Boy, }
Joining date of service : 06-05-1999 }
SOJ Niwas, Room No.A 17, Nirabai Patil Marg, }

Manavel Pada Road, Near Geetanjali School, }
Virar (E }

84. Prakash Vishwanath Surve, }
Age: 40 years, Occu. Ward Boy, }
Joining date of service : 08-05-1999 }
Gaondevi Krupa Chawl No.01, Room No.08, }
Retibunder Cross Road, Devicha Pada, }
Dombivali (W 421 202 }

85. Ramesh Bhau Pawar. }
Age : 40 years, Occu. Ward Boy, }
Joining date of service : 10-05-1999 }
New Nisarg Society, Vijay Nagar, Amrai Chawl }
No. /D, Room No.4, Kalyan (E }

86. Satish Parshuram Sakpal, }
Age : 40 years, Occu. Ward Boy, }
Joining date of service : 10-05-1999 }
Sangam Chawl, Ambewade No.2, }
Hindustan Comp, Vikhroli (W, Mumbai 400 083 }

87. Ramesh Tukaram Shelar, }
Age : 42 years, Occu. Ward Boy, }
Joining date of service : 11-05-1999 }
Room No.302, Panchvati Dham, Near Sashkiya }
Dawa Khana, Manda, Titwala (W 421 605 }

88. Mukund Jaysingh Utekar, }
Age : 41 years, Occu. Ward Boy, }
Joining date of service : 02-05-1999 }
Room No.111, Ajinkya Mitra Mandal, Siddarth }
Nagar, Anny Benzynt Road, Opposite Podar }
Hospital, Worli, Mumbai 400 018 }

89. Aparna Subhas Sawant }
Age : 41 years, Occu. Ward Boy, }
Joining date of service : 15-05-1999 }
Saklap Yogna Building, 1st floor, Room No.102, }
Khatraj Road, Badlapur (E. }

90. Madhukar Ramchandra Sugdhare, }
Age : 40 years, Occu. Ward Boy }
Joining date of service : 15-05-1999 }

Navdurga Apartment, Building no.3, }
Room No.401, Nagindas Pada Nallasopara (E }
Palghar 401 209 }

91. Anil Tukaram Padwal }
Age : 49 years, Occu. Ward Boy }
Joining date of service : 01-06-1999 }
Shree Samarth Krupa, Room No.03, }
Chawl No.2, Opp. New Drop School, Mhatra }
Gate, Aagasan Road, Diva(E 400 612 }

92. Balamani Raju Yamba }
Age : 44 years, Occ Kaksh Sevika, }
Joining date of service : 04-06-1999 }
1st floor, Building No.19, Room No.10, }
7th Gali Kamathipura, Mumbai Central, }
Mumbai 400 008 }

93. Sudhakar Aanaji Kadam, }
Age : 52 years, Occu. Barbar (Nabhik }
Joining date of service : 07-06-1999 }
Room No.125, Building No.15, (MMMRDA, }
Mhada Colony, Mahul Gaon, Near BPCL Company}

94. Prakash Vithoba Pawar, }
Age : 41 years, Occu. Ward Boy }
Joining date of service : 07-06-1999 }
Myuresh Darshan Building, Room No.B-207, }
B Wing, Omkar Nagar, Ajde Gav, Dombivali (E }
Mumbai 421 201 }

95. Arun Suresh Jadhav, }
Age : 45 years, Occu. Ward Boy }
Joining date of service : 13-06-1999 }
Tania Monarch Apt. C Wing, Room No.209, }
2nd floor, Raj Nagar Road, Nallasopara (E 401 203}

96. Sanjay Govind Ambre, }
Age : 40 years, Occu. Ward Boy }
Joining date of service : 16-06-1999 }
Raigad Darshan Co-op. Society, Room No.4, }
Chikani Pada, Kalyan (E }

97. Rakesh Dattaram Kadam, }
Age : 40 years, Occu. Ward Boy }
Joining date of service : 01-07-1999 }
Ambika Vijay Rahiwashi Mandal Chawl, Room }
No.2, Adarsh Nagar, Hanuman Gully, Kunjur }
Village, Kanjurmarg (E, Mumbai 400 042 }

98. Rohit (Rashmikant Shankar Pawar, }
Age : 39 years, Occu. Ward Boy }
Joining date of service : 01-07-1999 }
Arunoday Building, Room No.1, Ground Floor, }
Dr Nemade Marg, Shatri Nagar, Dombivali }
(West, Thane - 421 503 }

99. Shivaji Dagdu Ulalkar, }
Age : 45 years, Occu. Ward Boy }
Joining date of service : 05-07-1999 }
Sant Dyaneshwar Nagar, Rahivashi Sangh, }
Opp. Building No.186, Kannamwar Nagar -2, }
Vikhroli (E, Mumbai 400 083 }

100. Anand Chandrakant Raut, }
Age : 45 years, Occu. Peon, }
Joining date of service : 05-08-1995 }
Chandrakant Bhuvan, Ayare Road, Behind }
Madavi School, Dombivli (E, 421 201. }

101. Santosh Ramchandra Kadam, }
Age : 43 years, Occu. Peon }
Joining date of service : 03-05-1995 }
Dhanji Bhai Ice Factory Chawl, }
Room No.32, Sardar Balwant, Sing Dhodi }
Marg, Mazgaon,Mumbai 400 010. }

102. Geeta Keshav Kadam, }
Age : 46 years, Occu. Peon, }
Joining date of service : 19-01-1996 }
Hamathipura, 5th Lane, Pansheel Niwas, }
3rd floor, Room No.124, B.No.169, M.R.RD. }
Mumbai 400 008. }

103. Sakshi Satish Katkar (Pushpa S. Gundaye }
Age : 43 years, Occu, Peon, }

Joining date of service : 12-05-1997 }
Suyog CHS, Ground Floor, Room No.10, }
Near New Police Station, Kunjurmarg-E, }
Mumbai.42 }

104. Shirish Pandurange Bandarkar, }
Age: 42 years, Occu. Peon, }
Joining date of service : 02-06-1997 }
10/102, Anna Nana Co Op. Hsg. Soc. Ltd. }
Jadhav Colony, Belavli, Badlapur (W 421 503 }

105. Giridhar Prabhakar Nirgun }
Age : 51 years, Occu Peon, }
Joining date of service : 02-06-1997 }
Rai office stop, Murdha, Uttam Road, Near }
Custom Chawl, Sadanand Nagar, }
Bhayander (West, Thane. }

106. Manisha Vijay Pawar }
Age: 45 years, Occu. Sevak, }
Joining date of service : 14-07-1997: }
Ramchandra Pawar Chawl, Near Hanuman }
Temple, Marathi Koleswadi, Kalyan (East, }
Dist. Thane. }

107. Shrimat Yallubai Suresh Gaikwad, }
Age: 52 years, Occu. Hamal, }
Joining date of service : 02-05-1997 }
New Bharat Nagar Sai Tekdi, Neyr HP Colony, }
Vashi Naka RC Marg, Chembur Mumbai 400 074 }

108. Santosh Manaji Nikam, }
Age: 41 years, Occu. Peon, }
Joining date of service: 02-09-1997 }
Building No.88, Room No.2474, Near Vikas }
High School, Kannamwar Nagar 2, Vikhroli (E }
Mumbai 400 089. }

109. Parshuram Vijay Talgaonkar }
Age: 41 years, Occu. Security Guard, }
Joining date of service: 17-04-1998 }
Satys Kasoti Chawl, Ground Floor, Room No.1 }
Balaji Wadi, Devicha Pada, Satyawan Chowk, }

Dombivali (W 421 202. }

110. Nagesh Deepak Surve, }
Age : 41 years, Occu. Sevak, }
Joining date of service : 02-02-1998 }
Shree Ganeshsai S.R.A: }
Co op Housing Society }
Ltd., No.212/D, Jaerabai Wadia Road, Parel, }
Bhoiwada, Mumbai 12. }

111. Sandesh K. Shirvadkar, }
Age: 40 years, Occu. Security Guard, }
Joining date of service : 16-06-1998 }
Satyakasoti Chawl Deecha Pada, Balaji Wadi, }
Dombivali West 421 202. }

112. Ramesh Nandan Sabat, }
Age: 39 years, Occu. Sevak }
Joining date of service : 14-04-1999 }
B 201, Neelkanth Park, New Sarya Nagar, }
Vitawa Thane Belapur Road, Kalwa, }
Thane 400 605 }

113. Reshma Suresh Chawan, }
Age: 41 years, Occu. Hamal, }
Joining date of service : 06-12-1995 }
1/7, Manisha Niwas, Lokmaya Nagar, Sanman }
Singh Road, Bhandup (W, Mumbai 400 078 }

114. Sachin Suresh Shinde }
Age: 40 years, Occu. }
Joining date of service : 02-02-1997 }
Hsg Society, Plot No.42, Sector 19 'A' Wing }
Room No.103, 1st floor, Opp. Saibaba Mandir }
Kamote -410 209 }

115. Chandrakant Manji Nikam, Death Age :40 years, }
Joining date of service : 14-06-1999 }
Building No.88, Room No.2474, Near Vikas }
High School, Kannamwar Nagar 2, Vikhroli (E }
Mumbai 400 089 }

116. Sandesh Ramesh Yerunkar, }

Age: 41 years, Occu. Hamal }
Joining date of service : 12-03-1998 }
Anil Karpe Chawl, First Floor, Room No.1, }
Tisgaon Road, Mhasoba Chowk Karpe Wadi, }
Kalyan E }

117. Vijay Vishnu Parab }
Age: 46 years, Occu. Hamal }
Joining date of service : 02-06-1995 }
Room No.701, 7th floor, Sai Niwas, Jay Shiv Sai }
Housing Society, Siddarth Nagar, Bandra (E }
Mumbai 400 051. }

118. Ramesh Daulat Ranpise, }
Age: 50 years, Occ. Hamal, }
Joining date of service : 21-04-1999 }
Daulat Niwas, Plot No.G 42/30, Sector No.12, }
Near Shivaji Mini Market, Kharghar -410 210. }

119. Ramesh Ramanna Kshetriya }
Age: 40 years, Occ. Hamal. }
Joining date of service : 02-06-1999 }
Room NO.02, Sai Prera Apartment, Ground }
Floor, Bindu Madhav Nagar, Belapur Road, }
Digha, Navi Mumbai -400 708. }

120. Rajesh Ravindra Sawant }
Age : 39 years, Occ. Mali. }
Joining date of service: 04-05-1999 }
B/401, Sai Sagar, Sec-35, Plot No.03, }
Kamothe Panvel 410 209. }

121. Sandip Sanpat Gaikwad, }
Age: 40 years, Occ. Hamal. }
Joining date of service : 17-06-1999 }
Sanjay Gandhi Nagar, Railway Compound, }
Room No.29/26, Byculla 400 008. }

122. Vithal Narayan Jagtap, }
Age : 40 years, Occ. Hamal. }
Joining date of service : 01-03-1998 }
Pundlik Apartment, Building No.2, }
Room No.407, Bedekar Nagar, }

Diva, Agasan Road, Diva (E.) }

Respondent Nos. 1 to 122 through }
c/o. Advocate Gunratan Sadavarte }
MAT. Bar Association. }
3rd Floor, Maker Tower "E" Wing }
Cufe Parade, Mumbai **Respondents**

123. Giju Nagin Waghela
Date of Birth 19-10-1980,
1st Joining date : 01-03-1999
Occ : Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.4**

124. Vijay Dalpath Purbiya
Date of Birth 26-10-1980
1st Joining date : 01-03-1999
Occ : Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.5**

125. Vasant Nagaji Soda.
Date of Birth 27-07-1973
1st Transfer Date : 01-04-1999
Occ: Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.6**

126. Vitthal Kisan Waghela
Date of Birth 01.02.1981
1st Joining Date : 01-04-1999
Occ : Hamal (Housekeeping
Add : Nursing **Org. Resp. No.7**

127. Khiresh Bhavan Solanki
Date of Birth 08.01-.1980
1st Joining Date : 10.05.1999
Occ : Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.8**

128. Harshvardhan Sukha Solanki,
Date of Birth 24.06.1980
15t Joining Date : 22.05.1999
Occ : Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.9**

129. Madhu Purushottam Solanki,
Date of Birth 06.02.1968
1st Joining Date: 07.05.1999
Occ : Hamal (Housekeeping
Add : Nursing JJ Campus. **Org. Resp. No.10**

130. Usha Ratilal Waghela
Date of Birth 01.06.1972
1s Joining Date 01.07.1999
Occ: Hamal (Housekeeping
Add Nursing JJ Campus. **Org. Resp. No.11**

131. Sandesh Yerunkar
Date of Birth 01.06.1979
1s Joining Date 11.03.1998
Occ. Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.12**

132. Vijay Parab
Date of Birth 09.08.1974
1st Toining Date 02. 06 1995
Occ. Hamal (Housekeeping
Add : Nursing JJ Campus **Org. Resp. No.13**

133. Ramesh Ranpise,
Date of Birth 28.08.1970
1s Joining Date 21.04.1999
Occ. Hamal (Housekeeping
Add : Nursing JJ Campus. **Org. Resp. No.14**

134. Ramesh Kshatriya
Date of Birth 15.07.1970
1st Joining date : 03.05.1999
Occ. Hamal (Housekeeping
Add : Nursing **Org. Resp. No.15**

135. Rajesh Sawant
Date of Birth 01.05.1981
1st Joining Date 04.05.1999

Occ. Mali.
Add : Nursing JJ Campus. **Org. Resp. No.16**

136. Vitthal Narayan Jagtap
Date of Birth 01.01.1980
1st Joining Date 01.03.1998
Occ. Hamal (Housekeeping A
dd : Nursing JJ Campus **Org. Resp. No.17**

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Mr. L. M. Acharya, Special Public Prosecutor with Mr. B. V. Samant, Additional Government Pleader, Mr. Swapnil P. Kamble, Assistant Government Pleader for the petitioners.

Mr. J. P. Cama, Senior Advocate with Mr. R. S. Upadhyay, Advocate for the respondents.

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CORAM : A.S. CHANDURKAR,
& RAJESH PATIL, JJ

Date on which the arguments concluded : 3rd DECEMBER, 2024.

Date on which the judgment is delivered : 28th FEBRUARY, 2025.

ORAL JUDGMENT :(PER : A. S. CHANDURKAR, J)

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties. The petitioners are aggrieved by the judgment of the Maharashtra Administrative Tribunal (for short, 'the Tribunal') passed in Original Application No.756 of 2020 dated 14/02/2022 by which the said Original Application preferred by the respondents was allowed and a direction was issued to the petitioners to regularise the services of the respondents in terms of the order passed by the Industrial Court

in Complaint (ULP) No.248 of 1996 decided on 29/07/2003.

2. Facts relevant for considering the challenge as raised to the judgment of the Tribunal are that the respondents claim to be Badli workmen discharging duties at various Government hospitals as ward boys, Aayas, sweepers and other Class-IV posts. Despite availability of permanent posts at various such hospitals, the services of the respondents were not being regularised. They had filed Complaint (ULP) No.248 of 1996 under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, the Act of 1971') invoking the provisions of Item 6 of Schedule-IV on the premise that failure to regularise their services amounted to an unfair labour practice. The learned Member of the Industrial Court after considering the entire material on record was pleased to hold that by failing to grant the benefit of seniority as well as permanancy to the members of the Union, the petitioners had committed an unfair labour practice under the Act of 1971. Hence by the judgment dated 29/07/2003, a direction was issued to the petitioners to consider the Badli workers shown in the Seniority List at Exhibit-A with Exhibit C-13 in the complaint as per their seniority and after considering their suitability, grant them

permanancy in proportion to the vacant permanent posts available. According to the respondents, despite the judgment of the Industrial Court attaining finality their services were not regularised. The respondents were discriminated in this matter and Badli workmen who were junior to them had been regularised or absolved in service. On this premise, the respondents preferred Original Application No.756 of 2020 before the Tribunal at Mumbai.

3. The petitioners in their affidavit in reply took the stand that the services rendered by the respondents were of a temporary nature and that they had not been continued in service voluntarily. It was only on account of orders passed in various proceedings that the services of the respondents were being continued. In view of the decision of the Supreme Court in *Secretary, State of Karnataka and other Vs. Umadevi & others,* (2006) 4 SCC 1 the respondents were not entitled to any relief whatsoever. The Tribunal held that the basis for claiming relief by the respondents was the judgment of the Industrial Court in Complaint (ULP) No.248 of 1996. The said decision had become final and that the names of the respondents had been specifically mentioned in the list of Badli workmen therein for regularisation

of their services. It was held that respondents were entitled to the benefit of the aforesaid decision and hence the Original Application came to be allowed by the impugned judgment dated 14/02/2022. Being aggrieved, the petitioners have challenged the aforesaid judgment in this writ petition.

4. Mr. L. M. Acharya, learned Special Counsel for the petitioners referred to the impugned judgment and submitted that the respondents did not satisfy the criteria prescribed in the Government Resolution dated 07/12/2015 for seeking the relief of regularisation. On the ground that service for a period of ten years had not been discharged as on 31/03/2007, the respondents were not entitled to the benefit of regularisation. The Tribunal misconstrued the judgment of the Supreme Court in *Umadevi and others (supra)* to hold that the respondents were entitled to the relief of regularisation. The benefit of that decision was only with regard to irregular appointments and not illegal appointments. The services of the respondents had been engaged on a temporary basis only in view of various orders passed by the Courts and not otherwise. In absence of availability of the requisite number of sanctioned post as held in *Union of India and others Vs. Ilmo Devi and another,* (2021) 20 SCC 290 it was submitted that the

Tribunal committed an error in granting relief to the respondents. To substantiate his contentions, the learned counsel also placed reliance on the decisions in *Official Liquidator Vs. Dayanand and others,* (2008) 10 SCC 1, *P. U. Joshi and others Vs. Accountant General, Ahmedabad and others,* (2003) 2 SCC 632, *Executive Engineer, ZP Engg. Divn. And another Vs. Digambara Rao and others,* (2004) 8 SCC 262, *State of Karnataka and others Vs. KGSD Canteen Employees' Welfare Assn. And others,* (2006) 1 SCC 567, *Oil and Natural Gas Corporation Vs. Krishan Gopal and others,* (2021) 18 SCC 707. It was thus submitted that the judgment passed by the Tribunal ought to be quashed and the Original Application be dismissed.

5. Mr. J. P. Cama, learned Senior Advocate for the respondents opposed aforesaid submissions. He submitted that the complaint preferred by the respondents under Section 28 of the Act of 1971 having been allowed on 29/07/2003, the respondents were merely seeking the benefit on that basis and implementation of the directions as issued in the Original Application filed before the Tribunal. The regularisation of the respondents was being wrongly denied by referring to the Government Resolution dated 07/12/2015 on the premise that the requisite service as

prescribed till 31/03/2007 had not been rendered. Since it was already held by the Industrial Court that by failing to regularise the services of the respondents, the petitioners had committed an unfair labour practice, the Tribunal was justified in allowing the Original Application. Since the adjudication by the Industrial Court had become final, it was binding on the petitioners and they could not attempt to disregard the same. Referring to the judgment of the Supreme Court in *Maharashtra State Road Transport Corporation Vs. Casteribe Rajya Parivahan Karmachari Sanghatana,* (2009) 8 SCC 556, it was submitted that once the entitlement of the respondents was determined under the Act of 1971, the respondents were entitled to the benefit of the same. After that adjudication, the claim of the respondents could not be treated to be illegal. The Tribunal rightly granted relief to the respondents. The learned Senior Advocate also referred to the judgment of the Industrial Court to submit that the names of all the respondents had been included in the list of such workmen as per Exhibit-A collectively with Exhibit 13. The respondents were being denied the benefit of the aforesaid adjudication for no justifiable reason. Reliance was also placed on the decisions in *Pandurang Sitaram Jadhav Etc. Vs. State of Maharashtra through its Dairy Manager & Anr.,* (2019) III CLR 639 SC, *Oil and Natural*

Gas Corporation Vs. Krishna Gopal & Ors. (2021) 18 SCC 707, *Cimco Birla Ltd. Vs. Rowena Lewis,* (2015) I CLR 12 SC, *Union of India & Ors. Vs. Munshi Ram,* (2023) I CLR 345 SC, *Chief Conservator of Forests & Anr. Vs. Jagannath Maruti Kondhare & Ors.* (1996) 2 SCC 293 and *Mahanadi Coalfields Ltd. Vs. Brajrajnagar Coal Mines Workers' Union,* 2024 INSC 199. It was thus submitted that the Tribunal having considered all relevant aspects and having granted relief to the respondents, there was no case made out to interfere in exercise of writ jurisdiction. The writ petition was therefore liable to be dismissed.

6. We have heard the learned counsel for the parties at length and with their assistance we have perused the documents on record. We have thereafter given due consideration to the respective contentions. At the outset, it would be necessary to refer to certain undisputed factual aspects. Sarva Mazdoor Sangh, a Trade Union registered under the provisions of the Trade Unions Act, 1936 had preferred a complaint under Section 28 read with Item 6 of Schedule IV of the Act of 1971 before the Industrial Court, Mumbai being Complaint (ULP) No.248 of 1996. It was the case of the Union that its members being Badli workers on the roll of J. J. Hospital, Byculla were being deprived of the

benefit of permanency by engaging their services on temporary basis. On the allegation that such action amounted to an unfair labour practice, the Union sought necessary relief. It relied upon the Seniority List that was filed at Exhibit-A collectively with Exhibit-C-13 to the complaint. The proceedings were contested by the present petitioners and by the judgment dated 29/07/2003, the learned Member of the Industrial Court partly allowed the complaint by recording a finding that the petitioners had engaged in an unfair labour practice by continuing with the engagement of the members of the Union as Badli workers. A direction was issued to the present petitioners to consider the said Seniority List and on the basis of their suitability, the Badli workers mentioned in the Seniority List be made permanent in proportion to the vacant permanent posts and the service rules. This judgment of the Industrial Court has attained finality as it was not subjected to any challenge by the petitioners. Since the benefit of permanancy was not granted to the members of the Union, its 122 members approached the Tribunal by filing an Original Application praying that they be granted the relief of regularisation in service with all consequential benefits.

The Tribunal in paragraph 13 of the impugned judgment dated 14/02/2022 has recorded a finding that the names of the

applicants who had filed Original Application No.756 of 2020 were mentioned in Exhibit-A collectively with Exhibit-13 that has been referred to in the operative order passed by the Industrial Court on 29/07/2003 in Complaint (ULP) No.248 of 1996. It is thus clear that the respondents herein had succeeded in the complaint filed by the Union before the Industrial Court and the directions issued by the Industrial Court to consider their suitability and make them permanent operates in their favour. It is in this factual backdrop that the challenge as raised to the order passed by the Tribunal would be required to be adjudicated.

7. The principal contention raised on behalf of the petitioners is that it was not permissible for the Tribunal to have issued a direction to the petitioners to regularise the services of the respondents in the light of the law laid down by the Supreme Court in *Umadevi and others (supra).* To buttress this contention, reliance has also been placed on various other decisions of the Supreme Court in that regard. On the other hand, according to the respondents, their entitlement to permanancy and regularisation having been upheld by the Industrial Court while deciding Complaint (ULP) No.248 of 1996 on 29/07/2003 which decision was prior to the judgment of the Supreme Court in

Umadevi and others (supra), the same would not be an impediment in granting relief to the respondents on that basis. The respondents were merely seeking benefit of an order passed in their favour on 29/07/2003 by the Industrial Court.

8. Since the learned counsel for the petitioners has placed considerable reliance on the decision of the Supreme Court in *Umadevi and others (supra),* it would be necessary to first consider the said decision. The Constitution Bench of the Supreme Court held that in exercise of jurisdiction under Article 226 of the Constitution of India, the High Court ought not to issue directions of absorption, regularisation or continuance of temporary, contractual, casual, daily-wage or ad-hoc employees unless the recruitment of such employees was made regularly in terms of the constitutional scheme of appointment. As a one-time measure the Union of India, the State Governments and their instrumentalities were directed to take steps to regularise the services of workers whose appointments could be said to be irregular in nature but which were not illegal.

In the case in hand, the respondents seek to rely upon a favourable adjudication in their favour by the Industrial Court in Complaint (ULP) No.248 of 1996 decided on 29/07/2003. As

noted above, this adjudication by the Industrial Court was pursuant to a complaint filed by the registered Trade Union on behalf of the respondents under provisions of Section 28 of the Act of 1971. The Supreme Court in *Maharashtra State Road Transport Corporation (supra)* has considered the effect of an adjudication under the provisions of the Act of 1971 and its relevance in the backdrop of the judgment of the Constitution Bench in *Umadevi and others (supra).* It was clarified that the decision in *Umadevi and others (supra)* did not denude the Industrial and Labour Court of their statutory powers under Section 30 read with Section 32 of the Act of 1971 to order permanancy of workers who had been victim of unfair labour practice on the part of the employer under Item 6 of Schedule IV to the Act of 1971 where the posts on which they had been working existed. Further the said decision could not be held to have overridden the powers of the Industrial and Labour Courts in passing appropriate orders under Section 30 of the Act of 1971 once unfair labour practice on the part of employer under Item 6 of Schedule IV was established. A similar view has been taken by the Supreme Court in *Pandurang Sitaram Jadhav and others (supra).* In the light of this decision, it is clear that the respondents can rely upon the adjudication of their complaint by the Industrial Court and contend that such right

cannot be defeated by the dictum in *Umadevi and others (supra).*

9. On the applicability of the ratio of the decision of the Supreme Court in *Umadevi and others (supra),* we may usefully refer to two recent decisions of the Supreme Court in that regard. In *Jaggo Vs. Union of India and others,* 2024 INSC 1034, it was observed in paragraphs 20 and 26 as under:-

> *20. It is well established that the decision Umadevi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities.The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular", and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgment of this Court in Vinod Kumar V. Union of India (2024) 1 SCR 1230, it was held that procedural formalities cannot be used to deny regularization of service to an employee whose*

appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgment have been reproduced below :

> *"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through backdoor entry as discussed in the case of Uma Devi (supra).*
>
> *7. The judgment in the case of Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments*

such as conduct of written examinations or interviews as in the present case."

26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities, Governments departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it

against employees who have rendered indispensable services over decades.

Similarly, in *Shripal & Anr. Vs. Nagar Nigam, Ghaziabad,* 2025 INSC 144 after referring to the decision in *Jaggo (supra),* it has been observed in paragraph 14 as under:-

"14. The Respondent Employer places reliance on Uma devi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are "illegal" and those that are "irregular," the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment.

Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

10. In our view, the rights of the respondents stood crystallized on 29/07/2003 when the Industrial Court decided the complaint

preferred by the Union. If the directions issued by the Industrial Court therein had been complied with, there would have been no occasion for the respondents to have thereafter approached the Tribunal by filing Original Application No.756 of 2020. Through the said proceedings, the respondents were infact seeking benefit of the earlier adjudication in their favour by way of implementation of the directions issued by the Industrial Court in their favour. In the light of the fact that this adjudication was accepted by the petitioners, resort to the provisions of Government Resolution dated 07/12/2015 which prescribed the cut-off date as 31/03/2007 for grant of benefit as a one-time measure has rightly been held by the Tribunal to be misplaced. The respondents were not seeking any benefit on the strength of said Government Resolution dated 07/12/2015 inasmuch as their rights had been determined in the complaint preferred by the Trade Union before the Industrial Court much prior to the issuance of the said Government Resolution.

11. As regards the stand of the petitioners that the respondents did not fulfill the eligibility criteria as laid down in the Government Resolution dated 07/12/2015 is concerned, it may be stated that the entitlement of the respondents cannot be denied on that

count. Perusal of the Government Resolution dated 07/12/2015 that has been issued by the Medical Education and Drugs Department of the State of Maharashtra indicates that a policy decision was taken to regularise the services of various Badli workers in about forty seven establishments. The condition laid down amongst others was rendering of services for a minimum period of two forty days in each calendar year and ten years service having been rendered till 31/03/2007. By the said Government Resolution, the entitlement of seven hundred seventy four Badli workers was considered and services of six hundred twenty six Badli workers were regularised. According to the petitioners, since the respondents herein did not fulfill the eligibility criteria laid down in the said Government Resolution, their services were not regularised. Such stand has been taken in paragraph 5 of the affidavit-in-rejoinder filed on behalf of the petitioner dated 21/11/2022. The petitioners have thereafter sought to justify the same by annexing a chart to the additional affidavit filed on its behalf dated 16/12/2022 to state that the prescribed eligibility criteria was not satisfied by the respondents.

In this regard, it is to be noted that the respondents claim entitlement to regularisation of their services in view of

adjudication of their rights by the Industrial Court in Complaint (ULP) No. 248 of 1996 decided on 29/07/2003 by the Industrial Court. Undisputedly, the name of present respondents figure in Exhibit-A with Exhibit C-13 which is referred to in the aforesaid judgment dated 29/07/2003. Since their entitlement to regularisation was adjudicated independently and that adjudication has attained finality, the stand of the petitioners that the respondents did not satisfy the eligibility criteria prescribed by the Government Resolution dated 07/12/2015 is not found acceptable. The denial of the benefit of regularisation to the respondents on account of non-satisfaction of the criteria laid down in Government Resolution dated 07/12/2015 is unjustified in the facts of the present case.

12. Coming to the impugned judgment of the Tribunal it can be seen that the Tribunal has taken into consideration the judgment of the Industrial Court dated 29/07/2003 passed in Complaint (ULP) No.248 of 1996 and has recorded a finding that all the respondents were parties to the aforesaid proceedings and were entitled to the benefit of that adjudication. It has thereafter considered the effect of the Government Resolution dated 07/12/2015 in the context of the adjudication by the Industrial

Court. A finding has been recorded that despite the aforesaid adjudication by the Industrial Court, the respondents were being treated as Badli workers even today. In the context of the law laid down by the Supreme Court in *Umadevi & others (supra)* a finding has been recorded that the appointment of the respondents could only be stated to be irregular and not illegal. The decision in the case of *Ilmo Devi and another (supra)* has been distinguished on the ground that the respondents were working as full time Badli workers and not as part time workers. On the basis of the affidavit dated 10/11/2020 and 20/12/2021 filed on behalf of the petitioners, it was found that vacant posts at the Class-IV level were available. Thus if the order passed by the Industrial Court on 29/07/2003 would have been implemented in its true letter and sprit, the services of the respondents would have been regularised long back. Despite the fact that no new Badli workers were engaged after 1999, the services of the respondents who had been engaged earlier were continued as Badli workers and they continued to work in view of the order passed by the Industrial Court. It was further found that services of similarly placed Badli workers at St. George Hospital came to be regularised in view of the judgment passed by the Tribunal in Original Application No.471 of 2019 decided on 01/01/2019. In the said proceedings,

a similar adjudication by the Industrial Court in Complaint (ULP) No.1271 of 1993 dated 20/01/2003 was the basis of making such claim. It is on that basis that the Tribunal has directed regularisation of the services of the respondents at the J. J. Group of Hospitals.

In our view, the Tribunal has considered all relevant aspects and has granted relief to the respondents principally on the ground that the respondents were found entitled for regularisation of their services in view of adjudication of their complaint that was filed under Section 28 of the Act of 1971. All relevant aspects have been taken into consideration coupled with the fact that the respondents were engaged in unskilled work for a period of more than 10 years. We do not find that there is any jurisdictional error committed by the Tribunal when it allowed the Original Application on 14/02/2022. In the facts of the present case and especially the earlier adjudication of the complaint filed before the Industrial Court that has attained finality, the ratio of the decisions relied upon by the learned counsel for the petitioners cannot be applied to the case in hand.

13. For aforesaid reasons, we do not find any exceptional case made out warranting interference in exercise of extraordinary

jurisdiction by this Court. The writ petition is dismissed leaving the parties to bear their own costs. The petitioners are granted time of four weeks to comply with the directions issued by the Tribunal.

[RAJESH PATIL, J.] **[A.S. CHANDURKAR, J.]**