



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5692 OF 2023

amila Kiran Mane

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5700 OF 2023

Vrushali Prashant Amrutkar

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.9966 OF 2023

Pimpri Chinchwad Municipal
Corporation through the
Commissioner and Anr.

....Petitioner

V/s.

Hemlata Sumansingh Valvi

....Respondent

WITH

WRIT PETITION NO.5718 OF 2023

Rushikesh Deepakrao More

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5709 OF 2023

Mangesh Mahadev Shete

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5704 OF 2023

Nath Udhav Jadhav

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5706 OF 2023

Rupali Dilip Ahire

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5688 OF 2023

Laxman Bapurao Dond

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5708 OF 2023

Pradip Kisan Tembhekar

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5703 OF 2023

Rupali Ramchandra Gavankar

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5691 OF 2023

Radhika Dattu Bhargare

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5906 OF 2023

Sangita Vilas Jamdade
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.5705 OF 2023

Rohini Ravindra Dumbre
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.5707 OF 2023

Pooja Dattatraya Shingade
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.5702 OF 2023

Vanita Lalsingh Rathod
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.5721 OF 2023

Usha Laxman Sonawane
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.5696 OF 2023

Namdev Ramu Landge
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH
WRIT PETITION NO.5720 OF 2023
Sarika Mahendra Ambudkar *....Petitioner*
V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr. *....Respondents*

WITH
WRIT PETITION NO.5695 OF 2023
Pallavi Shivaji Kamble *....Petitioner*
V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr. *....Respondents*

WITH
WRIT PETITION NO.5693 OF 2023
Sharmila Badansingh Chavhan *....Petitioner*
V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr. *....Respondents*

WITH
WRIT PETITION NO.5698 OF 2023
Omkar Bharat Jadhav *....Petitioner*
V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr. *....Respondents*

WITH
WRIT PETITION NO.5713 OF 2023
Aashwini Narayan Salgar and Anr. *....Petitioners*
V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr. *....Respondents*

WITH
WRIT PETITION NO.5697 OF 2023
Namrata Nitin Supe *....Petitioner*
V/s.

Municipal Commissioner-Pimpri

Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5711 OF 2023

Divya Waman Rathod
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5710 OF 2023

Puja Sunil Khandare
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5699 OF 2023

Lalita Madhukar Patil
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5719 OF 2023

Kishan Ganapati Gaikwad
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5712 OF 2023

Sanghamitra Babarao Avachar and
Ors.

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5714 OF 2023

Anita Babasaheb Morale

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5716 OF 2023

Priyadarshan Prataprao Gayakawad

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5717 OF 2023

Sunil Tukaram Mang

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5694 OF 2023

Aruna Kailas Thubal

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5701 OF 2023

Avinash Ashok Masane and Anr.

....Petitioners

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5715 OF 2023

Vimal Ankush Shinde

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5734 OF 2023

Mohasin Ayubsab Shaikh

*....Petitioner***V/s.**Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.*....Respondents***WITH****WRIT PETITION NO.5722 OF 2023**

Nandini Jitendra Ukrande

*....Petitioner***V/s.**Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.*....Respondents***WITH****WRIT PETITION NO.5732 OF 2023**

Sapna Rajendra Dhainje

*....Petitioner***V/s.**Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.*....Respondents***WITH****WRIT PETITION NO.5731 OF 2023**

Vishwas bhagwan Malve

*....Petitioner***V/s.**Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.*....Respondents***WITH****WRIT PETITION NO.5687 OF 2023**

Lata Giridharilal Suvarnkar

*....Petitioner***V/s.**Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.*....Respondents***WITH****WRIT PETITION NO.5728 OF 2023**

Mukta Balbhim Sonkamble

*....Petitioner***V/s.**Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation

and Anr.

....Respondents

WITH

WRIT PETITION NO.5690 OF 2023

Dhanashree Bharat Bhosale

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5723 OF 2023

Gangaram Vishwas Kajrekar

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5727 OF 2023

Manisha A. Waghmare

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5730 OF 2023

Sneha Madhusudan Malsure

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5685 OF 2023

Savita Manikrao Bodke

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5725 OF 2023

Sonubai Binayakrao Dudhate

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5729 OF 2023

Vivek Satish Mohite
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5733 OF 2023

Ashwini Shivaji Ghodke
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5616 OF 2023

Manju Valmik Koli
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5616 OF 2023

Manju Valmik Koli
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5689 OF 2023

Swati Suresh Waghmare
V/s.

....Petitioner

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5726 OF 2023

Tasmiya Sadik Shaikh

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.5724 OF 2023

Ravichandra Ashok Dhavale

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION (ST)NO.11588 OF 2023

Nitin Shankar Sabale

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.6109 OF 2023

Gloriya Thomas Jagale

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.6110 OF 2023

Namrata Makarand Pingale

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.6111 OF 2023

Miss Seema Narayan Pal

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.6145 OF 2023

Pornima Devanand Bangade
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6132 OF 2023

Varsha Parmeshwar Waghmare
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6146 OF 2023

Arti P. Sutar and Anr.
V/s.

....*Petitioners*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6142 OF 2023

Jyoti Arun Sangle
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6141 OF 2023

Giri Satyabhama Gundu
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6134 OF 2023

Miss Chitra Anton Bramhane
V/s.

....*Petitioner*

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation

and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6140 OF 2023

Taware Shubhangi Babasaheb

....*Petitioner*

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6139 OF 2023

Alka Ramesh Sonawane

....*Petitioner*

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6133 OF 2023

WITH

INTERIM APPLICATION (STAMP) NO.21275 OF 2024

AND

INTERIM APPLICATION (STAMP) NO.21279 OF 2024

IN

WRIT PETITION NO.6133 OF 2023

Khatavkar Poonam Anukush

....*Petitioner*

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6144 OF 2023

Dipali Prakash Gole

....*Petitioner*

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....*Respondents*

WITH

WRIT PETITION NO.6135 OF 2023

Vaishali Shahaji Kokate

....*Petitioner*

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation

and Anr.

....Respondents

WITH

WRIT PETITION NO.6143 OF 2023

Punam Ajay Arkade

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.6138 OF 2023

Hemlata Sumansingh Valve

....Petitioner

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.6147 OF 2023

Supriya Dynoba Kachare and Anr.

....Petitioners

V/s.

Municipal Commissioner-Pimpri
Chinchwad Municipal Corporation
and Anr.

....Respondents

WITH

WRIT PETITION NO.9903 OF 2023

Pimpri Chinchwad Municipal
Corporation and Anr.

....Petitioners

V/s.

Manju Valmik Koli

....Respondent

WITH

WRIT PETITION NO.9895 OF 2023

Pimpri Chinchwad Municipal
Corporation and Anr.

....Petitioners

V/s.

Savita Manikrao Bodke

....Respondent

WITH

WRIT PETITION NO.9921 OF 2023

Pimpri Chinchwad Municipal
Corporation and Anr.

....Petitioners

V/s.

Laxman Bapurav Dond

....Respondent

WITH
WRIT PETITION NO.9899 OF 2023
Pimpri Chinchwad Municipal Corporation and Anr.*Petitioners*
V/s.

....*Respondent*

WITH
WRIT PETITION NO.9957 OF 2023
Pimpri Chinchwad Municipal Corporation and Anr.*Petitioners*
V/s.

....*Respondent*

WITH
WRIT PETITION NO.9913 OF 2023
Pimpri Chinchwad Municipal Corporation and Anr.*Petitioners*
V/s.

....*Respondent*

WITH
WRIT PETITION NO.9917 OF 2023
The Municipal Commissioner Pimpri Chinchwad Municipal Corporation and Anr.*Petitioners*
V/s.

....*Respondents*

WITH
WRIT PETITION NO.9912 OF 2023
Pimpri Chinchwad Municipal Corporation and Anr.*Petitioners*
V/s.

....*Respondent*

WITH
WRIT PETITION NO.9930 OF 2023
The Municipal Commissioner Pimpri Chinchwad Municipal Corporation and Anr.*Petitioners*
V/s.

....*Respondent*

WITH
WRIT PETITION NO.9815 OF 2023

Pimpri Chinchwad Municipal
Corporation and Anr.
V/s.

....*Petitioners*

Vinita Lalsingh Rathod

....*Respondent*

WITH

WRIT PETITION NO.9958 OF 2023

Pimpri Chinchwad Municipal
Corporation and Anr. Thr. Its The
Commissioner
V/s.

....*Petitioners*

Pramila Kiran Mane

....*Respondent*

WITH

WRIT PETITION NO.9933 OF 2023

Pimpri Chinchwad Municipal
Corporation and Anr. Thr. Its The
Commissioner and Anr.
V/s.

....*Petitioners*

Swati Suresh Waghmare

....*Respondent*

WITH

WRIT PETITION NO.9934 OF 2023

Pimpri Chinchwad Municipal
Corporation Thr. Its the
Commissioner and Anr.
V/s.

....*Petitioners*

Pradip Kisan Tembhekar

....*Respondent*

WITH

WRIT PETITION NO.9870 OF 2023

The Municipal Commissioner Pimpri
Chinchwad Municipal Corporation
and Anr.
V/s.

....*Petitioners*

Sanghmitra Babarao Avachar

....*Respondent*

WITH

WRIT PETITION NO.9885 OF 2023

The Municipal Commissioner Pimpri
Chinchwad Municipal Corporation
and Anr.
V/s.

....*Petitioners*

Vrushali Prasahnt Amrutkar

....*Respondent*

WITH

WRIT PETITION NO.9890 OF 2023

The Municipal Commissioner Pimpri
Chinchwad Municipal Corporation
and Anr.*Petitioners*

V/s.

Sunil Tukaram Mang*Respondent*

WITH

WRIT PETITION NO.9929 OF 2023

The Municipal Commissioner Pimpri
Chinchwad Municipal Corporation
and Anr.*Petitioners*

V/s.

Priyadarshan Prataprao Gayakwad*Respondent*

WITH

WRIT PETITION NO.9883 OF 2023

The Municipal Commissioner Pimpri
Chinchwad Municipal Corporation
and Anr.*Petitioners*

V/s.

Kishan Ganapati Gaikwad*Respondent*

WITH

WRIT PETITION NO.9925 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner
and Anr.*Petitioners*

V/s.

Gangaram Vishwas Kajrekar*Respondent*

WITH

WRIT PETITION NO.9868 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its the
Commissioner*Petitioner*

V/s.

Ravindra Ashok Dhavale*Respondent*

WITH

WRIT PETITION NO.9851 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner
.....*Petitioner*

V/s.

Sonubai Vinayakrao Dudhate*Respondent*

WITH
WRIT PETITION NO.9848 OF 2023
Pimpri Chinchwad Municipal Corporation thr. Its Commissioner
....Petitioner
V/s.

Tasmiya Sadik Shaikh *....Respondent*

WITH
WRIT PETITION NO.9954 OF 2023
Pimpri Chinchwad Municipal Corporation thr. its Commissioner
....Petitioner
V/s.

Manisha A. Waghmare *....Respondent*

WITH
WRIT PETITION NO.9946 OF 2023
Pimpri Chinchwad Municipal Corporation thr. Its Commissioner and Anr.
....Petitioners
V/s.

Mukta Balbhim Sonkamble *....Respondent*

WITH
WRIT PETITION NO.9952 OF 2023
Pimpri Chinchwad Municipal Corporation thr. its Commissioner
....Petitioner
V/s.

Sneha Madhusudan Malsure *....Respondent*

WITH
WRIT PETITION NO.9846 OF 2023
Pimpri Chinchwad Municipal Corporation thr. its Commissioner
....Petitioner
V/s.

Vivek Satish Mohite *....Respondent*

WITH
WRIT PETITION NO.9955 OF 2023
Pimpri Chinchwad Municipal Corporation thr. Its Commissioner
....Petitioner
V/s.

Sapna Rajendra Dhainje *....Respondent*

WITH
WRIT PETITION NO.9879 OF 2023
Pimpri Chinchwad Municipal
....Petitioners

Corporation thr. Its Commissioner &
Anr.

V/s.

Ashwini Shivaji Ghodke

....Respondent

WITH

WRIT PETITION NO.9936 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its the
Commissioner and Anr.

....Petitioners

V/s.

Sangita Vilas Jamdade

....Respondent

WITH

WRIT PETITION NO.9939 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner &
Anr.

....Petitioners

V/s.

Pooja Dattatraya Shingade

....Respondent

WITH

WRIT PETITION NO.9947 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner &
Anr.

....Petitioners

V/s.

Pallavi Shivaji Kamble

....Respondent

WITH

WRIT PETITION NO.9858 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Sharmila Badansing Chavhan

....Respondent

WITH

WRIT PETITION NO.9941 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Vishwas Bhagwan Malve

....Respondent

WITH

WRIT PETITION NO.9937 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its the
Commissioner and Anr.

....Petitioners

V/s.

Aruna Kailas Thubal

....Respondent

WITH

WRIT PETITION NO.9907 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its the
Commissioner & Anr.

....Petitioners

V/s.

Mohasin Ayubsab Shaikh

....Respondent

WITH

WRIT PETITION NO.10053 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner
and Anr.

....Petitioners

V/s.

Rupali Ramchandra Gavankar

....Respondent

WITH

WRIT PETITION NO.9998 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its the
Commissioner & Anr.

....Petitioners

V/s.

Lalita Madhukar Patil

....Respondent

WITH

WRIT PETITION NO.9951 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner &
Anr.

....Petitioners

V/s.

Omkar Bharat Jadhav

....Respondent

WITH

WRIT PETITION NO.9959 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner &
Anr.

....Petitioners

V/s.

Rupali Dilip Ahire

....Respondent

WITH

WRIT PETITION NO.9893 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Sarika Mahendra Ambudkar

....Respondent

WITH

WRIT PETITION NO.9889 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Usha Laxman Sonawane

....Respondent

WITH

WRIT PETITION NO.9944 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Rohini Ravindra Dumbre

....Respondent

WITH

WRIT PETITION NO.9942 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Nath Udhav Jadhav

....Respondent

WITH

WRIT PETITION NO.9853 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner &
Anr.

....Petitioners

V/s.

Rushikesh Deepakrao More

....Respondent

WITH

WRIT PETITION NO.9949 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. Its Commissioner &
Anr.

....Petitioners

V/s.

Divya Waman Rathod

....Respondent

WITH

WRIT PETITION NO.9908 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Puja Sunil Khandare

....Respondent

WITH

WRIT PETITION NO.9876 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Namrata Nitin Supe

....Respondent

WITH

WRIT PETITION NO.9932 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Vimal Ankush Shinde

....Respondent

WITH

WRIT PETITION NO.9969 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Supriya Dynoba Kachare and Ors.

....Respondents

WITH

WRIT PETITION NO.9972 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. its Commissioner &
Anr.

....Petitioners

V/s.

Poonam Ajay Arkade

....Respondent

WITH

WRIT PETITION NO.9981 OF 2023

Pimpri Chinchwad Municipal

....Petitioners

Corporation thr. the Commissioner
& Anr.

V/s.

Pournima Devanand Bagade

....Respondent

WITH

WRIT PETITION NO.9980 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. the Commissioner
& Anr.

....Petitioners

V/s.

Alka Ramesh Sonawane

....Respondent

WITH

WRIT PETITION NO.9517 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. the Commissioner
& Anr.

....Petitioners

V/s.

Chitra Anton Bramhane

....Respondent

WITH

WRIT PETITION NO.9968 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. the Commissioner
& Anr.

....Petitioners

V/s.

Jyoti Arun Sangle

....Respondent

WITH

WRIT PETITION NO.9971 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. the Commissioner
& Anr.

....Petitioners

V/s.

Namrata Makrand Pingle

....Respondent

WITH

WRIT PETITION NO.9974 OF 2023

Pimpri Chinchwad Municipal
Corporation thr. the Commissioner
& Anr.

....Petitioners

V/s.

Vaishali Shahaji Kokate

....Respondent

WITH
WRIT PETITION NO.9979 OF 2023

Pimpri Chinchwad Municipal Corporation thr. the Commissioner & Anr.*Petitioners*

V/s.

Sarika Mahendra Ambudkar*Respondent*

WITH
WRIT PETITION NO.9976 OF 2023

Pimpri Chinchwad Municipal Corporation thr. the Commissioner & Anr.*Petitioners*

V/s.

Punam Ankush Khatavkar*Respondent*

WITH
WRIT PETITION NO.9967 OF 2023

Pimpri Chinchwad Municipal Corporation thr. the Commissioner & Anr.*Petitioners*

V/s.

Arti Purshuram Sutar and Anr.*Respondents*

WITH
WRIT PETITION NO.9978 OF 2023

Pimpri Chinchwad Municipal Corporation thr. the Commissioner & Anr.*Petitioners*

V/s.

Varsha Parmeshwar Waghmare*Respondent*

WITH
WRIT PETITION NO.9973 OF 2023

Pimpri Chinchwad Municipal Corporation thr. the Commissioner & Anr.*Petitioners*

V/s.

Deepali Prakash Gole*Respondent*

WITH
WRIT PETITION NO.9970 OF 2023

Pimpri Chinchwad Municipal Corporation thr. Its thr. Commissioner & Anr.*Petitioners*

V/s.

Nitin Shankar Sable *....Respondent*
 WITH
WRIT PETITION NO.9977 OF 2023
 Pimpri Chinchwad Municipal *....Petitioners*
 Corporation thr. Its thr.
 Commissioner & Anr.
V/s.

Satyabhama Gundu Giri *....Respondent*
 WITH
WRIT PETITION NO.9975 OF 2023
 Pimpri Chinchwad Municipal *....Petitioners*
 Corporation thr. Its thr.
 Commissioner & Anr.
V/s.

Seema Naryan Pal *....Respondent*
 WITH
WRIT PETITION NO.9661 OF 2023
 Pimpri Chinchwad Municipal *....Petitioners*
 Corporation thr. the Commissioner
 & Anr.
V/s.

Namdev Ramu Landge *....Respondent*
 WITH
WRIT PETITION NO.9653 OF 2023
 Pimpri Chinchwad Municipal *....Petitioners*
 Corporation thr. the Commissioner
 & Anr.
V/s.

Nandini Jitendra Ukrande *....Respondent*
 WITH
WRIT PETITION NO.9673 OF 2023
 Pimpri Chinchwad Municipal *....Petitioners*
 Corporation thr. Its Commissioner &
 Anr.
V/s.

Ashwini Narayan Salgar and Anr. *....Respondents*

Mr. Kiran Bapat, Senior Advocate i/b Mr. Deepak R. More a/w Mr. Shivram A Gawade, for PCMC, Petitioner in WP/9966/2023, WP/9969/2023, WP/9972/2023, WP/9981/2023, WP/9980/2023,

WP/9517/2023, WP/9968/2023, WP/9971/2023, WP/9974/2023, WP/9979/2023, WP/9976/2023, WP/9967/2023, WP/9978/2023, WP/9973/2023, WP/9970/2023, WP/9977/2023, WP/9975/2023

Mr. Kiran Bapat, Senior Advocate A/W Mr. G.H. Keluskar, for Corporation, Petitioner in WP/9903/2023, WP/9895/2023, WP/9921/2023, WP/9899/2023, WP/9957/2023, WP/9913/2023, WP/9917/2023, WP/9912/2023, WP/9930/2023, WP/9815/2023, WP/9958/2023, WP/9933/2023, WP/9934/2023, WP/9870/2023, WP/9885/2023, WP/9890/2023, WP/9929/2023, WP/9883/2023, WP/9925/2023, WP/9868/2023, WP/9851/2023, WP/9848/2023, WP/9954/2023, WP/9946/2023, WP/9952/2023, WP/9846/2023, WP/9955/2023, WP/9879/2023, WP/9936/2023, WP/9939/2023, WP/9947/2023, WP/9858/2023, WP/9941/2023, WP/9937/2023, WP/9907/2023, WP/10053/2023, WP/9998/2023, WP/9951/2023, WP/9959/2023, WP/9893/2023, WP/9889/2023, WP/9944/2023, WP/9942/2023, WP/9853/2023, WP/9949/2023, WP/9908/2023, WP/9876/2023, WP/9932/2023, WP/9661/2023, WP/9653/2023, WP/9673/2023 and for Respondent in WP/5718/2023, WP/5709/2023, WP/5704/2023, WP/5706/2023, WP/5688/2023, WP/5708/2023, WP/5703/2023, WP/5691/2023, WP/5906/2023, WP/5705/2023, WP/5707/2023, WP/5702/2023, WP/5721/2023, WP/5696/2023, WP/5720/2023, WP/5695/2023, WP/5693/2023, WP/5698/2023, WP/5713/2023, WP/5697/2023, WP/5711/2023, WP/5710/2023, WP/5699/2023, WP/5719/2023, WP/5700/2023, WP/5712/2023, , WP/5714/2023, WP/5716/2023, WP/5717/2023, WP/5692/2023, WP/5694/2023, WP/5701/2023, WP/5715/2023, WP/5734/2023, WP/5722/2023, WP/5732/2023, WP/5731/2023, WP/5687/2023, WP/5728/2023, WP/5690/2023, WP/5723/2023, WP/5727/2023, WP/5730/2023, WP/5685/2023, WP/5725/2023, WP/5729/2023, WP/5733/2023, WP/5616/2023, WP/5689/2023, WP/5726/2023, WP/5724/2023

Mr. Nitin Kulkarni a/w Mr. Avinash Belge, for Petitioner in WP/5718/2023 WP/5709/2023, WP/5704/2023, WP/5706/2023, WP/5688/2023, WP/5708/2023, WP/5703/2023, WP/5691/2023, WP/5906/2023, WP/5705/2023, WP/5707/2023, WP/5702/2023, WP/5721/2023, WP/5696/2023, WP/5720/2023, WP/5695/2023, WP/5693/2023, WP/5698/2023, WP/5732/2023, WP/5731/2023, WP/5687/2023, WP/5728/2023, WP/5690/2023, WP/5723/2023, WP/5727/2023, WP/5730/2023, WP/5685/2023, WP/5725/2023, WP/5729/2023, WP/5733/2023, WP/5616/2023, WP/5689/2023, WP/5726/2023, WP/5724/2023, WP/5713/2023, WP/5697/2023, WP/5711/2023, WP/5710/2023, WP/5699/2023, WP/5719/2023, WP/5700/2023, WP/5712/2023, WP/5714/2023, WP/5716/2023, WP/5717/2023, WP/5692/2023, WP/5694/2023, WP/5701/2023, WP/5715/2023, WP/5734/2023, WP/5722/2023, WP(ST)/11588/2023

and for Respondent in WP/9903/2023, WP/9895/2023, WP/9921/2023, WP/9899/2023, WP/9957/2023, WP/9913/2023, WP/9917/2023, WP/9912/2023, WP/9930/2023, WP/9815/2023, WP/9958/2023, WP/9933/2023, WP/9934/2023, WP/9870/2023, WP/9885/2023, WP/9890/2023, WP/9929/2023, WP/9883/2023, WP/9925/2023, WP/9868/2023, WP/9851/2023, WP/9848/2023, WP/9954/2023, WP/9946/2023, WP/9952/2023, WP/9846/2023, WP/9955/2023, WP/9879/2023, WP/9936/2023, WP/9939/2023, WP/9947/2023, WP/9858/2023, WP/9941/2023, WP/9937/ 2023, WP/9907/2023, WP/10053/2023, WP/9998/2023, WP/9951/2023, WP/9959/2023, WP/9893/2023, WP/9889/2023, WP/9944/2023, WP/9942/2023, WP/9853/2023, WP/9949/2023, WP/9908/2023, WP/9876/2023, WP/9932/2023, WP/9970/2023, WP/9661/2023, WP/9653/2023, WP/9673/2023

Dr. Uday Warunjikar with Mr. Sumit Kate & Mr. Siddhesh Pilankar, for Petitioner in WP/6110/2023, WP/6142/2023, WP/6141/2023, WP/6140/2023, WP/6139/2023, WP/6138/2023, WP/6147/2023, WP/6109/2023, WP/6111/2023, WP/6145/2023, WP/6132/2023, WP/6146/2023, WP/6134/2023, WP/6133/2023, WP/6144/2023, WP/6135/2023, WP/6143/2023.

CORAM : SANDEEP V. MARNE, J.
Judgment Reserved On : 24 July 2024.
Judgment Pronounced On :8 August 2024.

JUDGMENT:

1) These are cross Petitions filed by Pimpri-Chinchwad Municipal Corporation and its contract employees challenging various orders passed by the Industrial Court-Pune, partly allowing the Complaints holding that the contract employees are entitled for salary and consequential benefits at par with minimum pay scale of regularly engaged employees of the Municipal Corporation holding the same post as that of Complainants from the date of joining services by them. The Municipal Corporation is aggrieved by the direction for payment of salary in minimum of pay-scale whereas the contract employees are aggrieved by the orders passed by the Industrial Court to the extent of non-grant of relief of permanency.

2) Pimpri-Chichwad Municipal Corporation (**PCMC**) operates various hospitals, dispensaries, OPD units, etc. to offer medical services to the citizens residing in the city of Pimpri-Chinchwad. The hospitals run by the Municipal Corporation including Yashwantrao Chavan Memorial Hospital, Talera Hospital, Yamuna Hospital, Bhosari Hospital, Jijamata Hospital, Sangvi Hospital, Akurdi Hospital, Thegaon Hospital, etc.

3) It appears that advertisements were issued from time to time for filling up of various posts in such hospitals and dispensaries such as staff nurse, X-ray Technician, Blood Bank Technician, MSW, Male and Female Ward Assistants, Cleaners, Pharmacist, Data Entry Operator, etc. The advertisements were issued for engaging staff on contract and honorarium basis for a period of six months. All the contract employees involved in the present petitions have been initially engaged on various posts indicated above on honorarium and contract basis initially for a period of six months.

4) By way of illustration, facts in the case of couple of contract employees are discussed. While most of the contract employees involved in the Petitions have joined for the first time in the year 2020, cases of two employees who have rendered longest period of service are recorded.

5) Pramila K. Mane is Petitioner in Writ Petition No.5692 of 2023, and Respondent in cross Petition No.9958 of 2023 filed by PCMC. Yashwantrao Chavan Memorial Hospital (**YCMH**) is one of the Hospitals operated by PCMC. It appears that in the year 2016, the municipal administration felt the need for engagement of extra manpower to tackle the load of patients in the hospital. Accordingly, the Municipal

Commissioner submitted a proposal dated 6 August 2016 for creation of 14 posts in the said hospital on consolidated honorarium for a period of six months. The proposal of the Municipal Commissioner was sanctioned by the Standing Committee of the Municipal Corporation by adopting the resolution dated 9 August 2016. Accordingly, advertisement was issued in the local newspapers on 12 August 2016. Several candidates appeared in pursuance of the said advertisement and after scrutinising all applications, interviews were conducted by the Selection Committee. As per the recommendations made by the Selection Committee the Municipal Corporation issued order dated 6 September 2016 appointing total 16 personnel on various posts on fixed honorarium as indicated in the bracket against each post such as Surgeon (Rs.60,000), Intensivist (Rs.50,000/-), Physician (Rs.50,000/-), Orthopedic Surgeon (Rs.50,000/-), ENT (Rs.60,000 / Rs.55,000), X-ray Technician (Rs.10,000 /Rs.16,000/ Rs.14,000), Dialysis Technician (Rs.16,000), Statistician (Rs.15,000) and Data Entry Operator (Rs.12,000). The said personnel were appointed for the period from 7 September 2016 to 5 March 2017 (180 days) on various terms and conditions incorporated in the letter dated 6 September 2016. The order indicates that reservation roster was followed while making the engagements. Condition No. 10 contained a specific stipulation that the appointments were temporary and that the appointees had no right to claim regular appointment. Under Clause 9, candidates were required to submit undertakings/bonds not to claim appointments in regular pay scale. Smt. Pramila K. Mane came to be appointed by order dated 6 September 2016 on the post of X-Ray Technician against open/SC category on monthly honorarium of Rs.10,000/-. It appears that her appointment was extended by order dated 12 March 2017 from 7 March 2017 to 6 May 2017 after giving one day's break.

6) Though the above two orders dated 6 September 2016 and 12 March 2017 are produced at Exhibit-A and Exhibit-B to the Petition, it appears that Petitioner-Pramila K. Mane contended in her Complaint that she was appointed by Municipal Corporation on 9 September 2014 and that she continued as such till 6 May 2017 i.e. till she filed complaint (ULP) No.61 of 2017 praying for benefit of permanency on completion of 240 days of service. Complaint was resisted by Municipal Corporation by filing written statement relying on terms and conditions of the order of initial engagement. It appears that Petitioner-Pramila K. Mane filed application seeking interim relief for continuation of her services and for restraining the Corporation from terminating her services during pendency of the complaint. Industrial Court passed order dated 18 April 2019 on the said application at Exhibit-U2, rejecting the said application referring to the terms and conditions of initial engagement order and referring to the judgment of this Court in ***Smt. Mangal Bharat Shinde vs. Pimpri Chinchwad Municipal Corporation and Anr.***¹ in which Talera Hospital, Chichwad was not held to be an Industrial Undertaking within the meaning of Payment of Wages Act, 1936 and that provisions of Industrial Employment (Standing Orders) Act, 1946 are not applicable to the said hospital. The Industrial Court therefore held that even YCMC is not an industry or establishment. This is how the application for interim relief came to be rejected by the Industrial Court by order dated 18 April 2019. The said order was stayed on 6 June 2019. She filed Writ Petition in this Court challenging the interim order, in which this Court directed maintenance of status-quo till disposal of the complaint by the Industrial Court. This is how the Petitioner-Pramila Mane apparently continued to remain in service. Complaint (ULP) No.61 of 2017 filed by her has been decided by the judgment and order dated 20 March 2023. The Industrial Court has held that she is entitled for salary and consequential benefits at par with minimum pay scale of regularly engaged employees of PCMC

¹ 2018 (6)Mh.L.J.

holding the same post from the date of joining service. The relief of permanency however is not granted. The Municipal Corporation was directed not to terminate her services for a period of one month. Aggrieved by the judgment and order dated 20 March 2023, Petitioner-Pramila K. Mane has filed Writ Petition No.5692 of 2023. By order dated 20 April 2023, this Court extended the interim protection granted by the Industrial Court and the same continues to operate till date. The Municipal Corporation has filed Writ Petition No.9958 of 2023 challenging the direction for payment of wages at the minimum of pay scale in the impugned judgment and order dated 20 March 2023 passed by the Industrial Court.

7) Smt. Vrushali Prashant Amrutkar is Petitioner in Writ Petition No.5700 of 2023 filed by her and Respondent in cross Writ Petition No.9885 of 2023 filed by the Municipal Corporation. It appears that an advertisement was issued by the Municipal Corporation in the newspapers for filling up various posts in the Medical Department on consolidated honorarium after seeking Standing Committee's approval dated 16 March 2015. Candidates were subjected to written examination and the Selection Committee prepared select list in accordance with marks obtained by the candidates in written examination as well as by considering the reservation roster on 7 July 2015. By order dated 20 July 2015, 27 persons were engaged on the posts of Pharmacists, Lab Technicians, X-ray Technician, Physiotherapist, Male Ward Boy on various amounts of honorarium indicated in the order for the period of six months as specified in the order dated 20 July 2015. Accordingly, Smt. Vrushali Amrutkar was engaged on the post of Lab Technician on honorarium of Rs.17,000/- for the period from 24 August 2015 to 23 February 2016. The appointment order contained specific stipulation for filing of undertaking/bond for not claiming permanency in regular pay scale. A fresh advertisement was issued for filling up various posts in

YCMH, for which interviews were held on 6 May 2016. Name of Petitioner -Vrushali Amrutkar was placed at waiting list and by order dated 11 June 2016, she was offered engagement on the post of Blood Bank Technician in YCMH for a period of 6 months by order dated 11 June 2016. This is how there was no connection between the initial engagement of Smt. Vrushali Amrutkar as Lab Technician on 20 July 2015 and as Blood Bank Technician on 11 June 2016. It appears that the engagement of Smt. Vrushali Amrutkar extended for a period of three months by orders dated 19 December 2016, 7 March 2017 and 26 April 2017. She filed Complaint (ULP) No.80 of 2017 seeking the relief of permanency. Her application for interim relief at Exhibit-U2 was rejected by the Industrial Court by order dated 18 April 2019 which became subject matter of challenge before this Court in Writ Petition No. 5700 of 2023 in which order of staus quo was granted till decision of the Complaint. Complaint (ULP) No. 80 of 2017 filed by her has been partly allowed by the judgment and order dated 20 March 2023 holding that she is entitled for salary and consequential benefits at par with minimum pay scale of regularly engaged employees of PCMC holding the same post from the date of joining service. The relief of permanency however is not granted. The Municipal Corporation was directed not to terminate her services for a period of one month. Aggrieved by the judgment and order dated 20 March 2023, Smt. Vrushali Prashant Amrutkar has filed Writ Petition No.5700 of 2023. By order dated 20 April 2023, this Court extended the interim protection granted by the Industrial Court and the same continues to operate till date. The Municipal Corporation has filed Writ Petition No.9885 of 2023 challenging the direction for payment of wages at the minimum of pay scale in the impugned judgment and order dated 20 March 2023 passed by the Industrial Court.

8) In the above manner, several employees have been engaged by the Municipal Corporation from time to time on various paramedical

posts in Municipal Hospitals, Dispensaries, etc. The charts showing brief particulars about the employees is as under:-

Sr. NO.	WRIT PETITION NO	NAME	DATE OF JOINING	HOSPITAL	DESIGNATION	COMPLAINT FILED ON	COMPLAINT (ULP) NO.	Date of Order passed by the High Court giving interim protection during the pendency of complaint.
1	WP/5692/2023 with Cross WP No. 9958/2023	PRAMILA KIRAN MANE	09-09-14	YCM Hospital	X-Ray Technician.	20.4.2017	61 of 2017	31.01.2020
2	WP/5707/2023 with Cross WP No. 9939/2023	POOJA DATATRAYA SHINGADE	30.3.2020	Talera Hospital	Staff Nurse	20.12.2020	257 of 2020	02.9.2021
3	WP/5700/2023 with Cross WP No. 9885/2023	VRUSHALI PRASHANT AMRUTKAR	20.7.2015	Yamunanagar Hospital	Blood Bank Technician	27.4.2017	80 of 2017	31.01.2020
4	WP/5716/2023 with Cross WP No. 9929/2023	PRIYADARSHAN PRATAPRAO GAIKWAD	15-05-17	YCM Hospital	Blood Bank Technician	02.11.2018	282 of 2018	31.01.2020
5	WP/5696/2023 with Cross WP No. 9961/2023	NAMDEV RAMU LANDGE	15-06-17	Talera Hospital	Staff Nurse	25.3.2019	80 of 2019	02.9.2021
6	WP/5701/2023 with Cross WP No. 9917/2023	TUKARAM JAGANNATH PAWAR AVINASH ASHOK MASANE	13-11-17	YCM Hospital	X-Ray Technician.	02.11.2018	284 of 2018	31.01.2021
7	WP/5712/2023 with Cross WP No. 9870/ 2023	SANGHMITRA BABARAO AVACHAR SWATI GOBADE POURNIMA SONAWANE	13-11-17 19.12.17 _____	YCM Hospital	Staff Nurse	02.11.2018	281 of 2018	31.01.2021
8	WP/5719/2023 with Cross WP No. 9983/2023	KISHAN GANAPATI GAIKWAD	08-12-17	YCM Hospital	MSW	02.11.2018	285 of 2018	31.01.2020
9	WP/5713/2023 with Cross WP No. 9673/2023	ASHWINI NARAYAN SALGAR GEETA KENDRE	06-04-18	Bhosari Hospital	Staff Nurse	25.3.2019	87 of 2019	02.9.2021
10	WP/5722/2023 with Cross WP No. 9653/2023	NANDINI JITENDRA UKRANDE	06-04-18	Yamunanagar Hospital	Staff Nurse	25.3.2019	77 of 2019	02.9.2021
11	WP/5717/2023 with Cross WP No. 9890/2023	SUNIL TUKARAM MANG	07-02-19	YCM Hospital	Blood Bank Technician	_ . . 2020	13 of 2020	31.01.2020
12	WP/5691/2023 with Cross WP No. 9913/2023	RADHIKA DATTU BHANGARE	10.02.20	YCM Hospital	Stree Kaksh Madatnis	24.12.2020	222 of 2020	08.3.2021
13	WP/5697/2023 with Cross WP No. 9876/2023	NAMRATA NITIN SUPE	24.12.20	Bhosari Hospital	Stree Kaksh Madatnis	24.12.2020	268 of 2020	02.9.2021
14	WP/5705/2023 with Cross WP	ROHINI RAVINDRA DUMBRE	27.7.21	Yamunanagar Hospital	Safai Sevak	24.12.2020	260 of 2020	02.9.2021

	No. 9944/2023							
15	WP/5706/2023 with Cross WP No. 9959/2023	RUPALI DILIP AHIRE	28-01-20	Bhosari Hospital	Safai Sevak	24.12.2020	261 of 2020	02.9.2021
16	WP/5694/2023 with Cross WP No. 9937/2023	ARUNA KAILAS THUBAL	29-01-20	Jijamata Hospital	Safai Sevak	24.12.2020	267 of 2020	02.9.2021
17	WP/5734/2023 with Cross WP No. 9907/2023	MOHASIN AYUBSAB SHAIKH	29-01-20	Sangavi Hospital	Pharamacist	24.12.2020	270 of 2020	02.9.2021
18	WP/5693/2023 with Cross WP No. 9858/2023	SHARMILA BADANSING CHAVHAN	30-01-20	Talera Hospital	Staff Nurse	24.12.2020	256 of 2020	02.9.2021
19	WP/5695/2023 with Cross WP No. 9947/2023	PALLAVI SHIVAJI KAMBLE	30-01-20	Talera Hospital	Pharamacist	24.12.2020	266 of 2010	02.9.2021
20	WP/5704/2023 with Cross WP No. 9942/2023	NATH UDHAV JADHAV	30-01-20	Talera Hospital	Staff Nurse	24.12.2020	257 of 2020	02.9.2021
21	WP/5710/2023 with Cross WP No. 9908/2023	PUJA SUNIL KHANDARE	28.01.20	YCM Hospital	Staff Nurse	28.01.2020	253 of 2020	02.9.2021
22	WP/5711/2023 with Cross WP No. 9949/2023	DIVYA WAMAN RATHOD	30-01-20	Talera Hospital	Staff Nurse	24.12.2020	252 of 2020	02.9.2021
23	WP/5718/2023 with Cross WP No. 9853/2023	RUSHIKESH DEEPAKRAO MORE	30-01-20	Talera Hospital	Pharamacist	24,12,2929	257 of 2020	02.9.2021
24	WP/5721/2023 with Cross WP No. 9889/2023	USHA LAXMAN SONAWANE	30-01-20	Talera Hospital	Staff Nurse	24.12.2020	255 of 2020	02.9.2021
25	WP/5703/2023 with Cross WP No 10053/2023	RUPALI RAMCHANDRA GAVANKAR	01-02-20	Akurdi Hospital	Safai Sevak	24.12.2020	262 of 2020	02.9.2021
26	WP/5730/2023 with Cross WP No. 9952/2023	SNEHA MADHUSUDAN MAISURE	10-02-20	YCM Hospital	Lab Technician	24.12.2020	242 of 2020	08.3.2021
27	WP/5732/2023 with Cross WP No.9955/2023	SAPNA RAJENDRA DHAINJE	10-02-20	YCM Hospital	Lab Technician	24.12.2020	244 of 2020	08.3.2021
28	WP/5906/2023 with Cross WP No 9936/2023	SANGITA VILAS JAMDADE	10-02-20	YCM Hospital	Stree Kaksh Madatnis	24.12.2020	227 of 2020	08.3.2021
29	WP/5690/2023 with Cross WP No. 9957/2023	DHANASHREE BHARAT BHOSALE	11-02-20	YCM Hospital	X-Ray Technician.	24.12.2020	232 of 2020	08.3.2021
30	WP/5709/2023 with Cross WP No. 9912/2023	MANGESH MAHADEV SHETE	11-02-20	YCM Hospital	Purush Kaksh Madatnis	24.12.2020	241 of 2020	08.3.2021
31	WP/5689/2023 with Cross WP No. 9933/2023	SWATI SURESH WAGHMARE	12-02-20	YCM Hospital	X-Ray Technician.	24.12.2020	231 of 2020	08.3.2021
32	WP/5698/2023 with Cross WP No. 9951/2023	OMKAR BHARAT JADHAV	12-02-20	Bhosari Hospital	X-Ray Technician	24.12.2020	272 of 2020	02.9.2021
33	WP/5699/2023 with Cross WP No. 9998/2023	LALITA MADHUKAR PATIL	12-02-20	Yamunanagar Hospital	Safai Sevak	24.12.2020	273 of 2020	02.9.2021
34	WP/5715/2023 with Cross WP No. 9932/2023	VIMAL ANKUSH SHINDE	12-02-20	Bhosari Hospital	Safai Sevak	24.12.2020	274 of 2020	02.9.2021

35	WP/5729/2023 with Cross WP No. 9846/2023	VIVEK SATISH MOHITE	13-02-20	YCM Hospital	X-Ray Technician.	_____	230 of 2020	08.3.2021
36	WP/5724/2023 with Cross WP No. 9868/2023	RAVICHANDRA ASHOK DHAWALE	14-02-20	YCM Hospital	Blood Bank Technician	_____	228 of 2020	08.3.2021
37	WP/5688/2023 with Cross WP No. 9921/2023	LAXMAN BAPURAO DOND	15-02-20	YCM Hospital	Data Entry Operator	15.12.2020	224 of 2020	08.3.2021
38	WP/5731/2023 with Cross WP No. 9941/2023	VISHWAS BHAGWAN MALVE	15-02-20	YCM Hospital	Data Entry Operator	24.12.2020	225 of 2020	08.3.2021
39	WP/5687/2023 with Cross WP No. 9899/2023	LATA GIRIDHARILAL SUVARNKAR	17-02-20	YCM Hospital	MSW	24.12.2020	229 of 2020	08.3.2021
40	WP/5723/2023 with Cross WP No. 9925/2023	GANGARAM VISHWAS KAJREKAR	13-03-20	YCM Hospital	Purush Kaksh Madatnis	24.12.2020	233 of 2020	08.3.2021
41	WP/5725/2023 with Cross WP No. 9851/2023	SONUBAI VINAYAKRAO DUDHATE	16-03-20	YCM Hospital	Data Entry Operator	20.12.2020	239 of 2020	08.3.2021
42	WP/5728/2023 with Cross WP No. 9946/2023	MUKTA BALBHIM SONKAMBLE	16-03-20	YCM Hospital	Dialysis Technician	21.12.2020	238 of 2020	08.3.2021
43	WP/5733/2023 with Cross WP No. 9879/2023	ASHWINI SHIVAJI GHODKE	16-03-20	YCM Hospital	Staff Nurse	24.12.2020	237 of 2020	08.3.2021
44	WP/5726/2023 with Cross WP No. 9848/2023	TASMIYA SADIK SHAIKH	21-03-20	YCM Hospital	Staff Nurse	24.12.2020	236 of 2020	08.3.2021 pt
45	WP/5720/2023 with Cross WP No. 9893/2023	SARIKA MHENDRA AMBUDKAR	30.01.20	Thergaon Hospital	Staff Nurse	24.12.2020	251 of 2020	02.9.2021
46	WP/5685/2023 with Cross WP No. 9895/2023	SAVITA MANIKRAO BODKE	29-03-20	YCM Hospital	Staff Nurse	_____	287 of 2020	08.3.2021
47	WP/5702/2023 with Cross WP No. 9815/2023	VANITA LALSING RATHOD	30-03-20	YCM Hospital	Stree Kaksh Madatnis	24.12.2020	226 of 2020	08.3.2021
48	WP/5708/2023 with Cross WP No. 9934/2023	PRADIP KISAN TEMBHEKAR	30-03-20	YCM Hospital	Pharamacist	24.12.2020	240 of 2020	08.3.2021
49	WP/5616/2023 with Cross WP No. 9903/2023	MANJU VALMIK KOLI	07-04-20	YCM Hospital	Staff Nurse	24.12.2020	235 of 2020	08.3.2021
50	WP/5714/2023 with Cross WP No. 9930/2023	ANITA BABASAHEB MORALE	12.01.17	YCM Hospital	Staff Nurse	30.10.2018	275 of 2018	31.01.2020
51	WP/5727/2023 with Cross WP No. 9954 of 2023	MANISHA ANURATH WAGHMARE	Resignation	YCM Hospital	Staff Nurse	30.12.2020	277 of 2020	08.3.2021

Sr No	Writ Petition No	Party Name	Date of Joining	Hospital	Designation	Complaint ULP I No.	Complaint Filed On	Date of Interim order passed by Industrial Court
1	WP/9973/2023 With Cross WP/6144/20	Deepali P. Gole	01/08/2016	Y.C.M Hospital	A.N.M	ULP/60/2017	20/04/2017	18/04/2019

2	23 WP/ 9969/2023 With Cross WP/6135/20 23	Supriya D.Kachare Nirmal D.Maroti Manisha I.Medhekar Bhagyashri A.Mane	14/11/2 017 18/11/2 017 21/11/2 017 07/12/2 017	Y.C.M Hospit al	Staff Nurses	ULP/ 283/20 18	02/11/ 2018	18/04/2019
3	WP/ 9981/2023 With Cross WP/ 6145/2023	Pournima D. Bagde	11/05/2 017	Y.C.M Hospit al	Staff Nurse	ULP/ 268/20 18	24/10/ 2018	18/04/2019
4	WP/ 9972/2023 With Cross WP/ 6143/2023	Poonam A. Arkade	04/07/2 016	Y.C.M Hospit al	A.N.M	ULP/ 81/201 7	27/04/ 2017	18/04/2019
5	WP/ 9976/2023 With Cross WP/ 6133/2023	Punam A. Khatavkar	17/05/2 017	Y.C.M Hospit al	Staff Nurse	ULP/ 283/20 18	02/11/ 2018	18/04/2019
6	WP/ 9970/2023	Nitin S. Sable	11/02/2 020	Y.C.M Hospit al	Ward Boy	ULP/ 234/20 20	24/12/ 2020	31/12/2020
7	WP/ 9967/2023 With Cross WP/ 6146/2023	Arti P. Sutar Amol H. Khandagale	19/08/2 015 21/06/2 017	Y.C.M Hospit al	Dialysis Techni cian	ULP/ 287/20 18	02/11/ 2018	18/04/2019
8	WP/ 9978/2023 With Cross WP/ 6132/2023	Varsha P. Waghmare	11/05/2 017	Y.C.M Hospit al	Staff Nurse	ULP/ 269/20 18	24/10/ 2018	18/04/2019
9	WP/ 9517/2023 With Cross WP/ 6134/2023	Chitra A. Brahmane	01/01/2 016	Y.C.M Hospit al	Staff Nurse	ULP/ 267/20 18	24/10/ 2018	18/04/2019
10	WP/ 9971/2023 With Cross WP/ 6110/2023	Namrata M. Pingale	18/09/2 019	Y.C.M Hospit al	Staff Nurse	ULP/ 223/20 20	24/12/ 2020	31/12/2020
11	WP/ 9968/2023 With Cross WP/ 6142/2023	Jyoti A. Sangle	11/08/2 016	Y.C.M Hospit al	Staff Nurse	ULP/ 271/20 18	24/10/ 2018	18/04/2019
12	WP/ 9974/2023 With Cross WP/ 6135/2023	Vaishali S. Kokate	11/05/2 017	Y.C.M Hospit al	Staff Nurse	ULP/ 78/201 9	25/03/ 2019	17/01/2020
13	WP/ 9979/2023	Sarika M. Ambudkar	13/03/2 020	Talera Hospit al	Staff Nurse	ULP/ 251/20 20	24/12/ 2020	27/01/2020
14	WP/ 9977/2023 With Cross WP/ 6141/2023	Satybhama G. Giri	15/11/2 017	Y.C.M Hospit al	Staff Nurse	ULP/ 264/20 18	24/10/ 2018	18/04/2019
15	WP/ 9975/2023 With Cross WP/ 6111/2023	Seema N. Pal	11/05/2 017	Y.C.M Hospit al	Staff Nurse	ULP/ 266/20 18	24/10/ 2018	18/04/2019
16	WP/ 9980/2023 With Cross WP/ 6139/2023	Alka R. Sonawane	30/11/2 016	Y.C.M Hospit al	Staff Nurse	ULP/ 245/20 17	27/10/ 2017	30/10/2017

17	WP/ 9966/2023 With Cross WP/ 6138/2023	Hemlata S. Valvi	11/05/2017	Y.C.M Hospit al	Staff Nurse	ULP/ 265/2018	24/10/ 2018	11/05/2017
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9) As observed above, the Petitions filed by Municipal Corporation challenge the directions given by the Industrial Court for payment of salary and consequential benefits at the minimum of pay scale at par with other regular staff of Municipal Corporation whereas the Petitions filed by the employees are in respect of rejection of their prayer for grant of permanency on account of completion of 240 days of service.

10) Mr. Nitin Kulkarni and Dr. Warunjikar have appeared on behalf of employees in support of Writ Petitions filed by them for grant of benefit of permanency on account of completion of 240 days of service. The broad submissions canvassed by Mr. Kulkarni and Dr. Warunjikar are as under:

- (i) The nature of work performed by the employees is of regular nature since the workload at the hospital is increasing with passage of each day.
- (ii) That employees were left with no choice but to accept the engagement on the terms and conditions incorporated in the appointment orders in absence of any bargaining power against mighty Municipal Corporation.
- (iii) That therefore the said terms and conditions cannot be cited for defeating the lawful claim of the employees to seek regularisation of their services.
- (iv) That the Municipal Corporation has adopted resolutions for creation of various posts of medical and paramedical staff required at its Hospitals, Dispensaries, etc. Reliance is placed on order dated 23 August 2013 issued by then Municipal Commissioner by which staffing pattern was sanctioned for YCMH in exercise of powers under Section

67(3) of Maharashtra Municipal Corporation Act, 1949 (MMC Act).

- (v) That total 624 posts are sanctioned as per the said staffing pattern, which includes 166 posts of staff nurse, 11 posts of Pharmacist, 56 posts of Ward Boys, etc. That thus the concerned employees are working against regularly sanctioned posts.
- (vi) That each of the employee has completed more than 240 days of service in each of the calendar years and that therefore they are entitled to be granted status of permanent employees under Clause-4C of the Model Standing Orders, Act. formulated under the Industrial Employment (Standing Orders) Act, 1946.
- (vii) That it is erroneous to hold that various hospitals of the Municipal Corporation are not Industrial Establishments.
- (viii) That even if it is assumed that posts occupied by the employees are not sanctioned, the Municipal Corporation has to blame itself for such conduct and it is arbitrary on its part to exploit services of employees for several years without creating posts. Some of the employees have worked for as many as 10 long years showing need for regular staff against posts occupied by the said employees.
- (ix) That the Municipal Corporation has exploited the services of employees by paying them paltry amounts towards honorarium, when in fact they are under legal obligation to pay salary in regular pay scale to them.
- (x) That the judgment of the Apex Court in ***State of Punjab and others V/s Jagjit Singh and Others***² mandates payment at the minimum of pay scale to temporary employees during the period of their temporary services. That therefore, till

². 2017 (1) SCC 148.

the employees are made permanent, they must be granted salaries at the minimum of pay scale and once they are made permanent in service, they must be allowed to draw yearly increments as well.

(xi) That the Industrial Court has erred in rejecting the claim of permanency without appreciating rendering of continuous service by the employees for several years.

11) On above broad submission, Mr. Kulkarni and Dr. Warunjikar have urged that the impugned orders of the Industrial Court denying the relief of permanency be set aside while maintaining the direction for payment of wages at the minimum of pay scale.

12) Mr. Bapat, the learned senior advocate has appeared on behalf of the Municipal Corporation in support of the Writ Petitions filed by the Corporation and to oppose the Writ Petitions filed by the employees. Mr. Bapat would submit that Industrial Court has erred in granting the prayer for wages at the minimum of pay-scales ignoring the fact that the employees have accepted their engagements on fixed honorarium basis. That the rights and entitlements of employees are governed by the terms and conditions in the appointment orders and the Industrial Court has exceeded its jurisdiction in awarding them something in excess of such terms and conditions. That the concerned employees have filed undertakings/bonds not to claim salaries in regular pay scale and that appointments were offered to them only on account of filing of such undertakings/bonds. That therefore the Industrial Court could not have permitted the employees to take *volte face* and demand wages in pay scale. He would therefore submit that the directions of the Industrial Court for payment of wages in the minimum of pay scale suffers from jurisdictional error warranting interference by this Court in exercise of provisions under Article 227 of the Constitution of India.

13) So far as the Petitions filed by the employees are concerned, Mr. Bapat would submit that engagements of the employees were for temporary period of six months, which are extended on few occasions by the Municipal Corporation. That their engagements are made in excess of the staffing pattern by creating posts for temporary period after seeking approval of the Standing Committee. That the Municipal Commissioner is empowered to make temporary appointment under Section 53(3) of the MNC Act whereas only State Government can sanction posts on the establishment of a Municipal Corporation under Section 51 of the MMC Act. That in the present case State Government has not sanctioned posts against which temporary engagement of the employees were made. That therefore it cannot be contended that the employees have worked against regularly sanctioned posts. Mr. Bapat would further submit that even if it is assumed that engagement of some of the employees were against sanctioned posts, the same were made only temporary for conducting walk-in interviews or some sort of written test and the same cannot be equated with regular appointments made following the process of selection. That therefore the employees have not acquired any right to seek regularisation. M. Bapat would submit that the Hospitals in which the engagement are made are not industrial establishments within the meaning of Payment of Wages Act, 1936. That the complaints filed by the employees proceeded on their alleged rights under Clause 4-C of Model Standing Orders, which do not apply to the establishments of the Municipal Corporation. He would rely upon judgment of this Court in ***Sandip Baliram Sandbhor and Ors. vs. Pimpri Chinchwad Municipal Corporation and Others***³ in which Talera Hospital of the Pimpri Chinchwad Municipal Corporation is held to be not an industrial establishment. He would also rely upon judgment of this Court in ***Mangal Bharat Shinde*** (supra) in which again it was held that Talera

³ 2016(3) Mh.L.J. 562

Hospital is not an industrial establishment. Referring to the evidence of Smt. Manju Walmik Koli, one of the employees, Mr. Bapat would submit that her admissions have been given about temporary nature of the appointment. Mr. Bapat would also rely upon judgment of this Court in ***Medical Superintendent, Rural Hospital and Anr. vs. Rajashree Lakshman Yadav***⁴. Mr. Bapat would pray for dismissing the Petitions filed by the employees and for allowing the Petitions filed by Municipal Corporation.

14) Rival contentions of the parties now fall for my consideration.

15) Before considering the issue of permanency demanded by the employees, it would first be necessary to deal with the issue of payment of wages to the employees at the minimum of pay scale, which relief is already granted by the Industrial Court and which is the subject matter of challenge by the Municipal Corporation in Petitions filed by it. The employees have been engaged by the Municipal Corporation on temporary basis on fixed honorarium and therefore, it is the contention of Municipal Corporation that they do not have a right to claim wages higher than the one indicated in their respective appointment orders.

16) It is first necessary to draw a distinction between workers who are engaged through contractor and employees who are directly employed by the Municipal Corporation but on fixed term contract basis. The employees involved in the present petitions fall in the latter category. They are not the workers of a contractor to whom any contract is awarded by the Municipal Corporation. The employees are directly engaged by the Municipal Corporation and there is a contract of employment between them. This is also not a case where the employees are engaged on a project for which posts are sanctioned only during currency of that project. The case involves deployment of staff by the

⁴ Writ Petition No.8801 of 2003 decided on 26/06/2024.

Municipal Corporation in its hospitals, dispensaries, etc. either because regular posts are not filled up or extra staff is required to handle the workload. The principle of 'equal pay for equal work' would not apply to cases where workers are engaged through a contractor or where the engagement is against the project. The issue is whether the said principle can be ignored when two staff nurses, directed employed by Municipal Corporation and deployed in same hospital for performing same work can draw different wages?

17) The issue relating to payment of wages to temporary employees employed by Governments and their instrumentalities is no more than *res integra* and the law in this area is now well settled by the judgment of the Apex Court in ***Jagjit Singh*** (supra). After considering its previous judgments on the subject, the Apex Court held that the principle '*equal pay for equal work*' needs to be made applicable when temporary employees perform same work as that of regular employees. The Apex Court held that employee engaged for same work cannot be paid less than another employee, who performs same duties and responsibilities, especially in a welfare State. The Apex Court held in paragraph 58, 60 and 61 of the judgment as under:

58. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities. Certainly not, in a welfare State. Such an action besides being demeaning, strikes at the very foundation of human dignity. Anyone, who is compelled to work at a lesser wage does not do so voluntarily. He does so to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows that his dependants would suffer immensely, if he does not accept the lesser wage. Any act of paying less wages as compared to others similarly situate constitutes an act of exploitative enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.

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60. Having traversed the legal parameters with reference to the application of the principle of "equal pay for equal work", in relation to temporary employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the employees concerned (before this Court), were rendering similar duties and responsibilities as were being discharged by regular employees holding the same/corresponding posts. This exercise would require the application of the parameters of the principle of "equal pay for equal work" summarised by us in para 42 above. However, insofar as the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeals were appointed against posts which were also available in the regular cadre/establishment. It was also accepted that during the course of their employment, the temporary employees from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals were the same as were being discharged by regular employees. It is not the case of the appellants, that the respondent employees did not possess the qualifications prescribed for appointment on regular basis. Furthermore, it is not the case of the State that any of the temporary employees would not be entitled to pay parity on any of the principles summarised by us in para 42 hereinabove. There can be no doubt, that the principle of "equal pay for equal work" would be applicable to all the temporary employees concerned, so as to vest in them the right to claim wages on a par with the minimum of the pay scale of regularly engaged government employees holding the same post.

61. In view of the position expressed by us in the foregoing paragraph, we have no hesitation in holding that all the temporary employees concerned, in the present bunch of cases would be entitled to draw wages at the minimum of the pay scale (at the lowest grade, in the regular pay scale), extended to regular employees holding the same post.

18) The Industrial Court has relied upon the Apex Court judgment in *Jagjit Singh* (supra) while passing the impugned judgment and order. It has conducted factual enquiry as to whether the Complainants before it were performing the same work as that of regular employees. After conduct of such inquiry, the Industrial Court has arrived at a finding that the work performed by contract employees is same as that of regular employees, both being deployed in hospitals. Even otherwise, it would be

imprudent to contend that staff nurses engaged on temporary basis in a hospital would perform duties different than their counterparts engaged on regular basis. There is no doubt to the position that all the employees involved in the present Petitions are engaged on paramedical duties in Hospitals and Dispensaries of the Municipal Corporation and it can hardly be contended that there is any difference in the duties and responsibilities performed by them in comparison to the regular employees employed in the hospital. It is not even the case of Municipal Corporation that there is any vast difference in duties and responsibilities. Even otherwise, it would not be appropriate for this Court to interfere in finding of the fact recorded by the Industrial Court about performance of same duties and responsibilities by the employees involved in the present Petitions as that of the regular employees of the Municipal Corporation.

19) The law expounded by the Apex Court in *Jagjit Singh* (supra) has been reiterated in subsequent judgment in *Sabha Shankar Dube V/s Divisional Forest Officer and others*⁵ in which it is held that in paragraph Nos.10 and 11 as under:

“10. The issue that was considered by this Court in *Jagjit Singh* (supra) is whether temporary employees (daily wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and likewise) are entitled to the minimum of the regular pay scales on account of their performing the same duties which are discharged by those engaged on regular basis against the sanctioned posts. After considering several judgments including the judgments of this Court in *Tilak Raj* (supra) and *Surjit Singh* (supra) this Court held that temporary employees are entitled to draw wages at the minimum of the pay scales which are applicable to the regular employees holding the same post.

11. In view of the judgment in *Jagjit Singh* (supra), we are unable to uphold the view of the High Court that the Appellants-herein are not entitled to be paid the minimum of the pay scales. We are not called upon to adjudicate on the rights of the Appellants relating to the regularization of their services. We are concerned only with the principle laid down by this Court initially in *Putti Lal* (supra)

⁵. 2019 (12) SCC 297

relating to persons who are similarly situated to the Appellants and later affirmed in *Jagjit Singh* (supra) that temporary employees are entitled to minimum of the pay scales as long as they continue in service.

20) A useful reference to series of orders passed by the Delhi Court in *Suman Forwarding Agency Pvt Ltd. Vs Chief Patron/Vice President/General Secretary, Central Warehousing Corporation Majdoor Union*,⁶ would also be apposite. In that case, Delhi High Court has passed series of orders directing Central Government to implement directions in *Jagjit Singh* (supra) in respect of casual labourers and contract workers engaged by Central Government and Public Sector Undertakings. I had an occasion to refer to the said orders passed by Delhi High Court in *Suman Forwarding Agency* (supra) while authoring judgment on behalf of Division Bench in *Swabhimani Shikshak Va Shikshaketar Sanghatana Maharashtra Rajya, Nashik vs. The State of Maharashtra, Through Secretary, Tribal Development Department*,⁷. In that judgment, this Court held in paragraph 13, 14 and 15 as under:

13. We may also refer to *Suman Forwarding Agency Pvt Ltd. Vs Chief Patron/Vice President/General Secretary, Central Warehousing Corporation Majdoor Union*, 2019 SCC OnLine Del 10318 in which Delhi High Court has passed series of orders directing the Central Government to implement the directions in *Jagjit Singh* (supra) in respect of all casual labourers and contract workers engaged by the Central Government and PSUs. In Order dated 16th September 2019, the Delhi High Court has reproduced various Office Memoranda issued by the Central Government Ministries. Since various OM are culled out in that order, we deem it appropriate to reproduce the order at the cost of making this judgment lengthy. The Order reads thus:

“3. Vide order dated 28th March, 2019, Central Government was directed to file a status report on affidavit as to whether all Government Departments/PSUs/Corporations under the Central Government including CWC are complying with the law declared by the Supreme Court in *Jagjit Singh*, (supra). Para 25 of the order dated 28th March, 2019 is reproduced hereunder:

“25. The Central Government is directed to file the status report on affidavit as to whether all Government Departments/PSUs/Corporations under the Central Government including CWC are complying with the law

⁶. 2019 SCC OnLine Del10318

⁷ Writ Petition No.4300 of 2021 decided on 20 092022

declared by the Supreme Court in Jagjit Singh (supra) by paying the wages in terms of the directions of the Supreme Court to the temporarily engaged employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like). If all the Government Departments/PSUs/Corporations are not complying with the directions of the Supreme Court in Jagjit Singh (supra), the Government shall forthwith issue O.M. to all the Government Departments/PSUs/Corporations to comply with the aforesaid directions and place the same before this Court on the next date of hearing.”

(Emphasis supplied)

4. On 01st August, 2019, the status report was filed by the Central Government in which it was stated that the matter relating to equal pay for equal work for the workmen employed by the contractor is regulated by Rule 25(2)(v) of the Contract Labour (Regulation and Abolition) Central Rules, 1971. Relevant portion of the status report is reproduced hereunder:

3. It is submitted that the DoPT has vide OM dated 29.07.2019 informed that DoPT has already issued an OM dated 07.06.1988 in respect of wages of casual labourers engaged by Ministries/Departments which is in consonance with the judgment of the Hon'ble Supreme Court in State of Punjab v. Jagjit Singh - (2017) 1 SCC 148. Para IV of the OM dated 07.06.1988 states as under:— “Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day”

A copy of the OM dated 29.07.2019 along with OM dated 07.06.1988 is annexed herewith and marked as ANNEXURE-A.

4. With regard to the implementation of the OM dated 07.06.1988 in the PSUs/Corporations under the Central Government, Department of Public Enterprises is required to be approached and consulted which will require some time.

5. The Central Government has produced OM No. 49014/1/2017-Estt.(C)pt dated 04th September, 2019 issued to all the Ministries and Departments of Government of India reiterating OM No. 49014/2/86 Estt. (C) dated 07th June, 1988. Relevant portion of the office memorandum is reproduced hereunder:—

“No. 49014/1/2017-Estt.(C)Pf. Government of India Ministry of Personnel, PG & Pensions Department of Personnel & Training North Block, New Delhi Dated: 4th September, 2019

OFFICE MEMORANDUM

Subject: 'Equal pay for Equal Work' for Casual workers: Compliance with earlier instructions and Hon'ble Court's Judgments thereon

The undersigned is directed to refer to this Department's

O.M. No. 49014/2/86-Estt.(C) dated 07.06.1988 wherein it was, inter alia, stated that:

-Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.

- In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour & Employment or the State Government/Union Territory Administration, whichever is higher, as per the Minimum Wages Act, 1948.

- Persons on daily wages (casual workers) should not be recruited for work of regular nature.

2. The above instructions have been issued keeping in view the judgements of the Hon'ble Supreme Court. It is reiterated that it is the responsibility of all Ministries/Departments to follow the above instructions in letter and spirit."

(Emphasis supplied)

6. The Central Government has also placed on record OM No. W-02/0038/2019-DPE (WC)-GL-XVIII/19 dated 13th September, 2019 issued by Ministry of Heavy Industries & Public Enterprises Department of Public Enterprises directing all administrative Ministries/Departments that all the casual workers/daily wagers employed by the Central Public Sector Enterprises (CPSEs) be paid wages equivalent to the minimum of the relevant pay scale plus dearness allowance. Relevant portion of the office memorandum is reproduced hereunder:—

"No. W-02/0038/2019-DPE (WC)-GL-XVIII/19 Government of India Ministry of Heavy Industries & Public Enterprises Department of Public EnterprisesPublic Enterprises Bhawan, Block No. 14, CGO Complex, Lodhi Road, New Delhi-110003.Dated, the 13th

September, 2019 OFFICE MEMORANDUM

Subject: Equal pay for Equal work' for Casual Workers: Compliance with Hon'ble Courts' Judgments thereon-reg.

On the above subject, the undersigned is directed to refer to various instructions issued by the Hon'ble Supreme Court and also to the DOPT's OM dated 49014/1/2017-Estt.(C) pt. dated 04' September,2019.

2. The following provisions are hereby extended to casual worker/daily wager employed by Central Public Sector Enterprises (CPSEs):

i. Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the

minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.

ii. In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour & Employment or the state Government/Union Territory Administration, whichever is higher as per the Minimum Wage Act, 1948.

iii. Persons on daily wages (casual workers) should not be recruited for work of regular nature.

3. All CEOs of CPSEs and administrative Ministries/Departments are requested to ensure strict compliance of the above provisions.”

(Emphasis supplied)

7. All the Departments of the Ministry of Central Government as well as PSUs under the Central Government are directed to comply with the office memorandums dated 07th June, 1988, 04th September, 2019 and 13th September, 2019 and file the status report with respect to the compliance thereof before the Central Government. The compliance report shall clarify how many casual/temporary workers were working under those PSUs and the date from which they were given benefits. The Central Government shall produce all the compliance reports before this Court on the next date of hearing. The Central Government shall circulate the copy of this order to all the Ministries and PSUs.”

14. Thus, towards implementation of Jagjit Singh (supra), the Central Government has already issued instructions to its Ministries and PSUs that where the nature of work performed by casual workers is same as that of regular employees, wages at the minimum of the payscale are required to be paid. Thus it is now a settled law that the employees who are not regular, irrespective of their nomenclature such as ‘Temporary, Work Charge, Daily Wage, Casual, Ad-hoc or Contract Basis,’ are required to be granted minimum of pay scale at the lowest grade of regular pay scale as extended to the regular employees holding the same post.

15. We may also make useful reference to the case of Ambulance Drivers engaged by various Zilla Parishads through Contractors. Such Ambulance Drivers have filed series of petitions before this Court seeking wages at the minimum of payscale relying on the judgment in Jagjit Singh. It is pertinent to note that the Ambulance Drivers are engaged through contractors and not directly by Zilla Parishads. In Dhiraj S/o. Sudhakar Rao Wankhede & Ors. V. Zilla Parishad, Chandrapur and Ors., Writ Petition No. 2247 of 2014 decided on 20.11.2019, this Court held that such Ambulance drivers are entitled to be paid wages at the minimum of the payscale. The decision in Dhiraj Wankhede & Ors. (supra) was followed by this

Court in Ashok Dhondiba Meher and Ors. v. The Chief Executive Officer, Zilla Parishad, Solapur. That judgment came to be assailed by the Zilla Parishad, Solapur before the Apex Court in Special Leave Petition (C) No. 8395 of 2021, The Chief Executive Officer, Zilla Parishad, Solapur. Vs. Ashok Dhondiba Meher and Ors. By its order dated 23.03.2022 the Apex Court upheld the decision of this Court relying upon the judgment in Jagjit Singh (Supra). The Apex Court held that,

“10. In the above circumstance, it is noticed that in the present facts the only relief granted by the High Court to the private respondents herein is to be paid the wages at the minimum of the pay scale at lowest grade, in the regular pay-scale extended to the regular employees holding the same post. The said benefit ordered to be extended is in tune with the observations of this Court in Jagjit Singh (supra). Further, in the instant facts what cannot be overlooked is also that the private respondents though employed through the contractors are discharging the onerous duties of driving the ambulance which is operated to provide the benefit of public health to the citizens in the PHC's under the Zilla Parishad which in turn is for discharging the obligation of the State. Therefore, in such circumstances, the minimum relief that has been granted by the High Court would not call for interference. We at this juncture also take note of the fact that the judgment dated 20.11.2019 passed by the coordinate bench of the High Court in Dhiraj S. Wankhede (supra), relied upon by the High Court in the instant case had been assailed before this Court in a Special Leave Petition (Civil) bearing Diary No. 12195/2020. However, the Special Leave Petition came to be dismissed by this Court on 22.02.2021.”

Thus extension of payscale to Ambulance Drivers is upheld by the Apex Court, even though they are not appointed by Zilha Parishads but by contractors.

21) Considering the law expounded in various judgments, in my view no palpable error can be traced in the direction issued by the Industrial Court for payment of wages in the minimum of pay scale to the employees involved in these Petitions in respect of temporary services rendered by them.

22) The Industrial Court has however, directed payment of such wages from the date of joining of service of such employees. In my view, here slight modification in the direction issued by the Industrial Court might be necessary. Some of the employees claim initial appointment

from the years 2014 or 2015 but they filed respective complaints in the year 2017. It would therefore be unfair for the Municipal Corporation if such employees are held entitled for the difference in backwages from the date of their respective appointments. It would therefore be necessary to restrict the benefit of payment of wages at the minimum of the pay scale from the dates of filing of complaints by each employees. To this limited extent, the order passed by the Industrial Court warrants modification.

23) Having dealt with issue of entitlement of the employees to wages in the minimum of pay-scale, it would now be necessary to consider their prayer for grant of benefit of permanency, for which employees have filed Petitions challenging impugned orders passed by the Industrial Court. The chart reproduced above would indicate that some of the employees are appointed during the years 2014-2015, whereas most of the others appear to have been engaged during the year 2020. As observed above, though Petitioner-Pramila K. Mane claims her initial engagement as 9 September 2014, no evidence of such engagement is produced on record and her first engagement in the YCMH appears to have been made on 7 September 2016. In any case, it is not necessary to delve deeper into this factual dispute about the exact date of initial engagement of the said Petitioner. So far as the other illustration of Vrushali Amrutkar is concerned, her first date of engagement is 20 July 2015. However, both the said Petitioners filed their Complaints in April-2017, when they apprehended that their services would be discontinued by the Municipal Corporation. Therefore, by the time, the said two Petitioners filed their respective complaints, they had rendered hardly one or two years of services. Their further continuance in service is attributable to the interim orders granted by the Courts. As indicated above, initially applications filed by them for grant of interim relief were rejected by the Industrial Court and this Court

granted order of status-quo on 31 January 2020 with a request to the Industrial Court to decide their complaints expeditiously. Thus, in respect of those employees who claim sufficiently long length of service with Municipal Corporation, their continuation of service is clearly attributable to the interim orders and not otherwise. So far as the majority of employees, who are appointed in the year 2020 are concerned, their continuation in services is owing to the interim orders passed in the present Petitions. So this is not a case where the employees have continued in service for a long period of time by the Municipal Corporation on its own. On the contrary, if no interim orders were to be passed in favour of these employees, they would not have rendered more than two to three years of service in each case. The issue is whether such employees can be granted benefit of permanency?

24) Perusal of pleadings in the Complaints filed by the employees would indicate that permanency was claimed essentially on the strength of completion of 240 days of service. By now the law relating to entitlement of an employee to secure benefit of permanency on completion of 240 days of service under Clause- 4C of Model Standing Orders is well settled as expounded by the Division Bench of this Court in *Municipal Council, Tirora, Vs. Tulsidas Baliram Bindhade*,⁸. A reference was made to the Division Bench on account of conflicting judgments of learned Single Judges of this Court. After considering the entire law on the subject, this Court held in Paragraphs 19 to 21 of *Municipal Council, Tirora* as under:

19. In this reference, the position emerging before us is similar. There is no conflict between the provisions of M.S.O. 4-C and the provisions of the S. 76 of the 1965 Act. In the event of the appointment having been made validly, it may be possible to invoke the provisions Cl. 4C of M.S.O. A view to the contrary would result in regularizing/validating a void act. Cl. 4C neither permits nor contemplates the same. As held in the above judgments, if the

⁸. 2016 (6) Mh.L.J. 867

appointment is not made in accordance with the constitutional scheme, it is void ab initio and, therefore, there can be no claim to its regularization or for grant of permanency in any manner. This is all the more so as Cl. 32 of the M.S.O. clarifies that the Standing Orders are not to operate in derogation of any other law i.e. S. 76 of 1965 Act. Definitely any interpretation of Clause 4C conducive to defeating unwarranted. The Constitutional mandate is Violation of Clause 4C of the MSO may tantamount to an unfair labour practice under item 9 of Sch. IV of the 1971 Act but unless & until, other additional factors are proved on record, finding of indulgence in an unfair labour practice under item 6 of Sch. IV thereof can not be reached. As explained by the Hon. Apex Court in case of Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana, (supra), existence of a legal vacancy must be established & as discussed above, the power to recruit with the employer must also be demonstrated. In absence thereof, workman can not succeed in proving the commission of unfair labour practice under item 6 by the employer. These two ingredients, therefore, also must be established when benefit of Cl. 4C is being claimed. Unless availability of a vacancy is shown or then power with the employer to create the post and to fill it is brought on record, mere continuation of 240 days can not and does not enable the workman to claim permanency by taking recourse to Cl. 4C read with item 9 of Sch. IV of 1971 Act. Clause 4C does not employ word "regularisation" but then it is implicit in it as no "permanency" is possible without it. Conversely, it follows that when a statutory provision like S. 76 disables the employer either from creating or filling in the posts, such a claim can not be sustained. This also nullifies the reliance upon the judgment of learned Single Judge in case of Maharashtra Lok Kamgar Sanghatana Vs. Ballarpur Industries Limited (supra) where the employer was a private Company not subjected to such regulatory measures by any Statute and enjoyed full freedom to create the posts and to recruit. One of us (B.P. Dharmadhikari, J.) is party to the judgment of this Court in Raymond UCO Denim Private Ltd. Vs. Praful Warade & Ors. (supra) which again needs to be distinguished for the same reasons. The judgment of learned Single Judge in case of Indian Tobacco Company Ltd. vs. The Industrial Court and Ors. (supra), judgment of Hon'ble Apex Court affirming it or then judgment of Hon'ble Apex Court reported at Western India Match Company Ltd. and Workmen are all considered therein & are distinguishable as the same do not pertain to the province of public employment or consider inherent Constitutional restraints (the *suprema lex* – see Mahendra L. Jain v. Indore Development Authority and others (supra) and Cl. 32 of the MSO. For same reasons, law laid down by the Full Bench judgment of this Court in 2007 (1) CLR 460 2007 (1) Mah. L.J. 754 Gangadhar Balgopal Nair Vs. Voltas Limited & Anr. does not advance the cause of workmen. The Division Bench of this Court in May & Baker Ltd. v. Kishore Jaikishandas Ichhaporia (supra) while construing Section 10-A(3) held that the expression "other law" would not refer to the model standing orders or the certified standing orders since they are laws made under the provisions of parent act itself and not under any other law. The Model Standing Orders and Certified Standing Orders, held the Division Bench, "are laws no doubt but they are laws made under the provisions of the Act". They were held not to be

provisions under any other law. This discussion therefore shows how these words “in derogation of any law for the time being in force” in Cl. 32 of MSO need to be understood & does not help Adv. Jaiswal or Adv. Khan.

20. In Vicechancellor, Lucknow University vs. Akhilesh Kumar Khare & Anr. (supra) relied upon by Adv. Parihar, Hon. Apex Court follows its Constitution Bench in Umadevi (III) and while rejecting relief of regularization to the daily wagers who were engaged in public employment without proper procedure, grants them compensation of Rs. 4 Lakh each by way of compassion. This judgment does not consider any welfare labour legislation and, therefore, can not provide direct answer to the reference made. Judgment of this Court taking similar view in the light of 1971 Act in the case of Punjabrao Krishi Vidyapeeth, Akola Vs. General Secretary, Krishi Vidyapeeth Kamgar Union & Anr. (supra) is already considered above. The Division Bench of this Court in State of Maharashtra and Anr. Vs. Pandurang Sitaram Jadhav (supra) finds that the respondents before it were employed as daily wagers in the establishment of the government milk dairy for a longer period of 12 to 20 years. There were no sanctioned posts and vacancies in existence in the concerned department. Respondents failed to demonstrate that their appointments were made in accordance with the procedure prescribed for selection. The Division Bench finds it wholly unjust to direct the appellant State Government to grant permanency to the respondents. It points out that the provisions of Model Standing Orders are subject to the Rules regulating selection and appointment so also subject to the constitutional scheme of public employment. Respondents Daily wagers are declared to possess no legal right to claim permanency. Order passed by the learned Single Judge to the contrary have been quashed. State Government is held obliged to make appointments in adherence to the constitutional scheme of Public employment. Respondents Daily Wagers appointed without following the prescribed procedure for selection by passing public participation did not acquire any legal right to claim permanency. It is apparent that no inconsistency exists and cannot be worked out in State of Maharashtra & Anr. Vs. Pandurang Sitaram Jadhav as also Pune Municipal Corporation v. Dhananjay Prabhakar Gokhale (supra) on one hand and Ballarpur Industries Limited Vs. Maharashtra Lok Kamgar Sanghatana (supra) on the other hand. Status of employer, nature of employment and inherent Constitutional limitation on public employer or absence of such fetters on any private employer or absolute freedom available to it to create post/s and recruit, are some of the distinguishing features which prohibit this exercise.

21. Thus, in the light of this discussion, it follows that in absence of vacant sanctioned posts with the Municipal Council, a workman who has put in continuous service of 240 days or more in span of 12 months, can not invoke Clause 4C of the MSO to claim either permanency or regularization. We accordingly answer the question referred. Registry to place the writ petitions before the learned Single Judge as per roaster assignment for further consideration.

25) Thus, mere completion of 240 days of service cannot be a factor for granting of benefit of permanency to temporary employees in State instrumentality in absence of existence of permanent sanctioned posts. Though Mr. Bapat has canvassed extensive submissions about Hospitals of the Municipal Corporation being treated as industrial establishments and applicability of Model Standing Orders, in my view considering the judgment of this Court in ***Municipal Council, Tirora*** (supra), it is not necessary to delve deeper into this aspect. However, a useful reference in this regard is also required to be made to a detailed judgment delivered by this Court in ***Sandip Baliram Sandbhor*** (supra) dealing with Talera Hospital of the same Municipal Corporation, in which this Court has held in paragraphs 42 and 43 as under:

42. On the issue of applicability of the Standing Orders Act, Mr. Bapat relied upon the decisions of the learned Single Judge of this Court in the case of Pune Municipal Corporation Vs. Keshav Ganpat Bhise and Another, (1983) 2 BCR 715 in addition, the Apex Court in the case of Messrs. Alloy Steel Project Vs. The Workmen, (1971) 1 SCC 536 to contend that the phrase 'Establishment' would mean place of work and merely because some part of the Corporation is covered under the definition of Industrial Establishment, the other department cannot be stated to be covered when it does not fulfill the conditions of being an industrial establishment. In the case of Pune Municipal Corporation (supra), the learned Single Judge considered the issue of subsistence allowance payable to an employee who was working as a Mixer Driver in Roads Division under Standing Orders Act. The learned Single Judge noted that the Division where the employee was employed conformed to the definition of Establishment and held that that particular Division or Establishment in which the workmen was working was covered by the Standing Orders Act and therefore, the employee was entitled to relief. In the case before the Apex Court, the Apex Court held that the phrase 'Establishment' is something different from a Company as defined under the Companies Act. It observed that suppose a Company has office premises and a workshop, which are entirely distinct, then the Act may apply to the factory and not to the other establishment if the criterion were not fulfilled there. In the present case, there cannot be any dispute that there is no manufacturing activity going on in Talera hospital. The reliance place by the Industrial Court on the decision of the Division Bench of Delhi High Court in the case of Indraprastha Medical Corporation vs. NCT of Delhi and Ors. 2006(110) FLR 1176 cannot be said to be misplaced.

43. Mr. Vaidya contended that the decision of the Apex Court in Alloy Steel was given in different fact and circumstances where the Apex Court was only considering whether the unit which had been recently

set up was entitled to certain exemptions under the provisions of law and the issue regarding a definition of establishment, did not arise directly for consideration. However, Mr. Vaidya has not been able to substantiate that, the irrespective of there being a distinct department, which does not conform to definition of an Establishment, because the other department conforms to the definition of Establishment, Industrial Employment (Standing Orders), would apply to all. Nothing is shown why the decision of the Industrial Court on this count is incorrect in law. Mr. Vaidya however contended that there is no such factual foundation led by the Respondents and there is a finding of fact that the Petitioners are employees of the Municipal Corporation. No benefit can be taken from this observation in the Judgment, when the Industrial Court has categorically proceeded on the basis that Talera hospital is severable. If the position of law is that there can be distinction between different departments, then it was up to the Petitioner to show that there was no such distinction and the Standing Orders Act applied to the hospital. In any case, an issue that would have wider implications as far as the Respondents are concerned need not concluded finally as the following discussion show that even if the Standing Orders so apply, the Petitioners are not entitled to succeed.

26) In ***Mangal Bharat Shinde*** (supra) another Judge of this Court (*S.C. Gupte, J.*) has followed the decision in ***Sandip Baliram Sandbhor*** (supra) and has held that the Industrial Establishment (Standing Orders) Act does not apply to Talera Hospital of the Municipal Corporation. Thus, on both the counts of non-applicability of the Standing Orders as well as impermissibility to grant permanency under Clause- 4C of the Model Standing Orders, in my view no case is made out by the employees for grant of relief of permanency.

27) Mr. Kulkarni and Dr. Warunjikar have strenuously submitted that employees are working against sanctioned posts and reliance in this regard is placed on order dated 23 August 2013 issued by the Municipal Commissioner with regard to sanction of staffing pattern of YCMH. Perusal of order dated 23 August 2013 shows that the same is issued in exercise of powers under Section 67 (3) of the MMC Act seeking to sanction various posts on the establishment of YCMH. However, at the end of the said order dated 23 August 2013 there is a clear caveat as under:-

सद्याच्या कार्यरत पदांचा आढावा घेऊन संख्या निश्चित करण्यात आली असल्याने नवीन पद निर्मिती / पदनामामध्ये बदल करणे इ. बाबत स्वतंत्रपणे परिपूर्ण प्रस्ताव प्रशासन विभागाकडे सादर करणे आवश्यक राहिल.

28) Under Section 67(3) of the MMC Act, the entire executive power for the purpose of carrying out provisions of the Act vests in the Municipal Commissioner and it appears that in pursuance of exercise of that power, the Municipal Commissioner is shown to have sanctioned the staffing pattern in respect of YCMH Hospital. However, under Sub Section 4 of Section 51 of the MMC Act, no new posts of officers and servants of the Corporation can be created without prior sanction of the State Government. Section 51 reads thus:

51. Number, designations, grades, etc. of other municipal officers and servants.

- (1) Subject to the provisions of sub-section (4), the Standing Committee shall from time to time determine the number, designations, grades, salaries, fees and allowances of auditors, assistant auditors, officers, clerks and servants to be immediately subordinate to the Municipal Chief Auditor and the Municipal Secretary respectively.
- (2) The Commissioner shall, from time to time, prepare and bring before the Standing Committee a statement setting forth the number, designations and grades of the other officers and servants who should in his opinion be maintained, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.
- (3) The Standing Committee shall, subject to the provisions of sub-section (4), sanction such statement either as it stands or subject to such modifications as it deems expedient.
- (4) No new posts of the officers and servants of the Corporation shall be created without the prior sanction of the State Government:

29) Thus, if the order dated 23 August 2013 results in creation of any new post, the Municipal Commissioner is not vested with power of creation of posts nor Municipal Corporation, on its own, can create a new post. Municipal Commissioner can merely authorise temporary appointments for a period of 6 months under sub-section (3) of Section

53. However the ultimate source of power for sanctioning creation of posts is with the State Government under Section 51(4). Section 53 of MMC Act provides thus:

53. Power of appointment in whom to vest:

(1) The power of appointing municipal officers, whether temporary or permanent, 2[to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner] shall vest in the Corporation:

Provided that temporary appointments for loan works 3[to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner] may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee on condition that every such appointment shall forthwith be reported by the Commissioner to the Corporation and no such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.

(2) Save as otherwise provided in sub-section (1), the power of appointing municipal officers and servants, whether temporary or permanent, under the immediate control of the Municipal Chief Auditor and the Municipal Secretary shall vest in the Municipal Chief Auditor or the Municipal Secretary, as the case may be, subject, in either case, to the approval of the Standing Committee unless the said Committee in any particular case or class of cases dispenses with this requirement.

(3) Save as otherwise provided in this Act, the power of appointing municipal officers and servants whether permanent or temporary vests in the Commissioner:

Provided that such power in respect of permanent appointments shall be subject to the statement for the time being in force prepared and sanctioned under section 51 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a salary equivalent to higher in rank than the post of clerk shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the Standing Committee.

30) This is the reason why the Municipal Commissioner apparently included a caveat for sending complete proposal to the administrative department since creation of any post on the establishment of Municipal Corporation requires previous sanction of the State Government. The order dated 23 August 2013 cannot be read to mean that Municipal

Commissioner has sanctioned any post in YMCH since he has no authority to do so.

31) In fact, lack of authority on the part of local bodies to create any post on its establishment is the reason why the larger Bench in ***Municipal Council, Tirora*** (supra) held that it is impermissible to grant the benefit of permanency for temporary employee by having recourse to provisions of Clause-4C of the Model Standing Orders.

32) In ***Raigad Zilla Parishad Vs. Kailash Balu Mhatre***,⁹ a learned Single Judge of this Court (*Ravindra V. Ghuge, J.*) while following the judgment in ***Municipal Council, Tirora*** (supra) took note of the fact that the employees therein had worked for substantial period of time and therefore instead of rejecting their case for permanency altogether, this Court thought it appropriate to direct sending of a proposal to the State Government by the concerned Zilla Parishad for sanction of posts for absorption of the employees therein. In the present case, the course of action adopted in ***Raigad Zilla Parishad*** (supra) cannot be followed in view of the fact that none of the employees have rendered sufficiently long period of service (excluding the one covered on account of interim orders passed by courts) so as to direct sending of proposals for creation of posts.

33) The contractual employees in the present case are seeking the relief of permanency in the services of a State instrumentality. No discussion on the issue of regularization of temporary employees in service can be complete without making reference to the Constitution Bench Judgment in ***Secretary, State of Karnataka V/s. Umadevi and Ors.***¹⁰ which marks a watershed moment in the development of law

⁹. 2022 (2) Mh.L.K. 146

¹⁰. 2006 II CLR 261-SC

relating to regularization of services. In paragraph 43 of the judgment, the Apex Court has held as under:

43. Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme for public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as 'litigious employment' in the earlier part of the judgment, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandates.

34) The sound exposition of law by the Apex Court in *Umadevi* now renders regularization of casual, ad-hoc, temporary or contractual

employees impermissible even if they have rendered long years of service. Even though a one-time exception was carved out by Apex Court in ***Umadevi*** for regularisation of irregularly appointed employees against sanctioned posts completing 10 years of service, the said exception cannot be invoked in the present case considering the fact that neither the employees have completed 10 years of service nor their services are continued without interception by the Court. In ***Umadevi*** period of 10 years' service is prescribed for one time exception only if the same is without intervention by Courts/Tribunal. Para 53 of judgment in ***Umadevi*** reads thus:

53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more **but without the intervention of orders of the courts or of tribunals**. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases abovereferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts **but not under cover of orders of the courts or of tribunals** and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.

(emphasis and underlining added)

35) Thus, an employee continuing in service for more than 10 years but on account of interim orders passed by the Court, would not be entitled to even one time exception of regularisation recognised in paragraph 53 of the judgment in ***Umadevi***.

36) It is often contended that the Constitution Bench Judgment in ***Umadevi*** does not circumscribe powers of an industrial adjudicator in

granting regularization on completing 240 days of service even in State instrumentalities. Very often reliance is placed on judgment of the Apex Court in *Maharashtra State Road Transport Corporation and Anr. Vs. Casteribe Rajya Parivahan Karmchari Sanghatana*¹¹ and *Hari Nandan Prasad V/s. Employer I/R to Management of FCI & Anr.*¹² However, even in *Hari Nandan Prasad* (supra), which is decided after considering the judgment in *MSRTC Vs. Casteribe* it is held that the Industrial/Labour Courts can direct regularization only if similarly placed workmen are regularized or if there is any scheme formulated by the employer for regularization. The Apex Court held in *Hari Nandan Prasad* as under:

“39. On a harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularisation only because a worker has continued as daily-wage worker/ad hoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularisation would be impermissible. In the aforesaid circumstances giving of direction to regularise such a person, only on the basis of number of years put in by such a worker as daily-wager, etc. may amount to back door entry into the service which is an anathema to Article 14 of the Constitution. Further, such a direction would not be given when the worker concerned does not meet the eligibility requirement of the post in question as per the recruitment rules. However, wherever it is found that similarly situated workmen are regularised by the employer itself under some scheme or otherwise and the workmen in question who have approached the Industrial/Labour Court are on a par with them, direction of regularisation in such cases may be legally justified, otherwise, non-regularisation of the left-over workers itself would amount to invidious discrimination qua them in such cases and would be violative of Article 14 of the Constitution. Thus, the industrial adjudicator would be achieving the equality by upholding Article 14, rather than violating this constitutional provision.

(emphasis and underling added)

37) Thus, it is only when similarly situated workmen are regularised or where the employer formulates a scheme for regularization that an industrial adjudicator can direct regularisation of

¹¹. (2009) 8 SCC 556

¹². (2014) 7 SCC 190

temporary employees by resorting to the principle of equality enshrined under Article 14 of the Constitution of India. Thus, the judgment in ***Hari Nandan*** (supra) cannot be read in support of an absolute proposition that, in every case, an industrial adjudicator can direct regularization of employees in absence of availability of sanctioned posts only by considering the length of service rendered by the employee.

38) In ***State of Maharashtra vs. Anita and Anr.***,¹³ the Apex Court has considered the issue of regularisation of Legal Advisors, Law Officers, Law Instructors engaged in the establishment of Director General of Police and Commissioner of Police, Greater Mumbai. In that case, Government of Maharashtra had issued Government Resolution dated 21 August 2006 creating 471 posts in the cadres of Legal Advisor, Law Officer and Law Instructor, which were required to be filled on contract basis on payment of consolidated pay. It appears that the Petitioners in ***Anita*** were engaged on contractual basis on the posts so created and continued for three terms. On expiry of the third term, they were directed to participate in fresh selection process which resulted in automatic termination of their tenures. The employees approached Maharashtra Administrative Tribunal challenging the conditions of GR dated 21 August 2006 and 15 September 2006 to the extent it provided for making contractual appointments. The Tribunal partly allowed the Original Applications holding that provision for making contractual appointments in the said GR suffered from arbitrariness and unreasonableness. The Tribunal however did not issue directions for regularization of services. Both employees, as well as, State Government challenged the decision of the Tribunal by filing Writ Petitions before this Court. Division bench of this Court dismissed the Petitions filed by State Government and allowed the ones filed by employees holding that 471 posts created by the State Government were permanent in nature.

¹³. (2016) 8 SCC 293

However, considering the fact that the appointments of the employees were not made in regular manner as per constitutional scheme, this Court refused the relief of permanency. Aggrieved by the decision of this Court, both State Government as well as the employees approached the Apex Court. During the pendency of the Appeals, the employees were permitted to continue in service. In the above factual background, the Apex Court decided the issue whether the 471 posts created vide GR dated 21 August 2006 were permanent in nature and whether the appointees had any right of regularisation. The Apex Court held in para 12 to 17 as under.

12. In the Government Resolution dated 21.08.2006 while creating 471 posts in various cadres including Legal Advisors, Law Officers and Law Instructors in clause (3) of the said Resolution, it was made clear that the posts created ought to be filled up on contractual basis. Clause (3) reads as under:-

“The said posts instead of being filled in the regular manner should be kept vacant and should be filled on the contract basis as per the terms and conditions prescribed by the government or having prepared the Recruitment Rules should be filled as per the provisions therein.”

13. Subsequently, the said Resolution was modified by Government Resolution dated 15.09.2006. In the said Resolution, the column specifying “Pay Scale” was substituted with column “Combined Permissible Monthly Pay + Telephone & Travel Expenses”. However, there was no change in the decision of the government on filling up the posts on contractual basis. Government Resolution dated 15.09.2006 stipulates the terms and conditions of the contractual appointments. Clauses 'A', 'B', 'C' and 'D' read as under:-

“A) The appointment of the said posts would be completely on contractual basis. These officers/employees would not be counted as government employees.

B) The said appointments should be made on contract basis firstly for 11 months. After 11 months the term of the agreement could be increased from time to time if necessary. Whereas, the appointing authority would take the precaution while extending the terms in this manner that, at one time this term should not be more than 11 months. The appointment in this way could be made maximum three times. Thereafter, if the competent authority is of the opinion that the reappointment of such candidate is necessary then such candidate would have to again face the selection process.

C) The concerned appointing authority at the time of the appointment would execute an agreement with the concerned candidate in the prescribed format. The prescribed format of the agreement is given in Appendix 'B'. It would be the responsibility of the concerned office to preserve all the documents of the agreement.

D) Except for the combined pay and permissible telephone and travel expenses (more than the above mentioned limit) any other allowances would not be admissible for the officers/employees being appointed on contract basis.”

14. The intention of the State Government to fill up the posts of Legal Advisors, Law Officers and Law Instructors on contractual basis is manifest from the above clauses in Government Resolutions dated 21.08.2006 and 15.09.2006. While creating 471 posts vide Resolution dated 21.08.2006, the Government made it clear that the posts should be filled up on contractual basis as per terms and conditions prescribed by the Government.

As per clause 'B' of the Government Resolution dated 15.09.2006, the initial contractual period of appointment is eleven months and there is a provision for extension of contract for further eleven months. Clause 'B' makes it clear that the appointment could be made maximum three times and extension of contract beyond the third term is not allowed. If the competent authority is of the opinion that the reappointment of such candidates is necessary then such candidates would again have to face the selection process.

15. It is relevant to note that the respondents at the time of appointment have accepted an agreement in accordance with Appendix 'B' attached to Government Resolution dated 15.09.2006. The terms of the agreement specifically lay down that the appointment is purely contractual and that the respondents will not be entitled to claim any rights, interest and benefits whatsoever of the permanent service in the government. We may usefully refer to the relevant clauses in the format of the agreement which read as under:-

“1. The First Party hereby agrees to appoint Shri/Smt. _____ (Party No. II) as a _____ on contract basis for a period of 11 months commencing from _____ to _____ (mention date) on consolidated remuneration of Rs. _____ (Rupees _____ only) per month, and said remuneration will be payable at the end of each calendar month according to British Calendar. It is agreed that IInd party shall not be entitled for separate T.A. and D.A. during the contract period....

2.

3.

4.

5. Assignment of 11 months contract is renewable for a further two terms of 11 months (i.e. total 3 terms), subject to the satisfaction of Competent Authority, and on its recommendations.

6. The Party No. II will not be entitled to claim any rights, interest, benefits whatsoever of the permanent service in the Government.”

16. The above terms of the agreement further reiterate the stand of the State that the appointments were purely contractual and that the respondents shall not be entitled to claim any right or interest of permanent service in the government. The appointments of respondents were made initially for eleven months but were renewed twice and after serving the maximum contractual period, the services of the respondents came to an end and the Government initiated a fresh process of selection. Conditions of respondents' engagement is governed by the terms of agreement. After having accepted contractual appointment, the respondents are estopped from challenging the terms of their appointment. Furthermore, respondents are not precluded from applying for the said posts afresh subject to the satisfaction of other eligibility criteria.

17. The High Court did not keep in view the various clauses in the Government Resolutions dated 21.08.2006 and 15.09.2006 and also the terms of the agreement entered into by the respondents with the government. Creation of posts was only for administrative purposes for sanction of the amount towards expenditure incurred but merely because the posts were created, they cannot be held to be permanent in nature. When the government has taken a policy decision to fill up 471 posts of Legal Advisors, Law Officers and Law Instructors on contractual basis, the tribunal and the High Court ought not to have interfered with the policy decision to hold that the appointments are permanent in nature.

39) Thus, in **Anita** the Apex Court held that mere sanctioning of posts does not mean that the posts automatically become permanently sanctioned posts. The Apex Court further held that having accepted contractual appointments, the employees therein were estopped from challenging the terms of their appointment. The judgment in **Anita** would squarely apply to the facts of the present case.

40) In **Medical Superintendent, Rural Hospital** (supra) this Court has dealt with cases of temporary employees engaged in various State Government hospitals, who had sought the relief of permanency. The employees therein were engaged for a short period of time mostly

against leave vacancies. However, on account of interim orders passed by the Industrial Court, the said employees continued in services for a long period of time. In that case, the employees relied upon rendering of services against sanctioned vacant posts. However, this Court refused to grant the relief of permanency to those employees even though they had rendered 23/24 years of service on account of interim and final orders passed by the Industrial Court and interim order passed by this Court. This Court also considered recent judgment of the Apex Court in ***Vinod Kumar and Others Vs. Union of India and Ors.***¹⁴ and held in paragraph 29 to 33 as under:-

29) Respondents were engaged initially for a period of 3 months by giving them breaks after each spell of 29 days. They had rendered hardly one or two years of service when the filed complaints before the Industrial Court. No right got created in their favour to seek the benefit of permanency when their complaints were decided by the Industrial Court. **In my view, therefore the relief of permanency granted to the Respondents by the Industrial Court of completion of 240 days of service is wholly unsustainable.**

30) Mr. Pakale has relied on judgment of this Court in ***Chief Officer, Alibaug Municipal Council*** (supra). However the facts in the said case were entirely different. The Respondents therein were initially engaged as Badli Safai Kamgars and upon sanction of 13 posts in 1997, Standing Committee of the Municipal Council adopted a resolution for their regularisation and a proposal to that effect was sent to the State Government, which was rejected. Their services were terminated by withdrawing pay scales and they were reinstated as daily wage workers. The Industrial Court allowed their complaints on the ground of completion of 240 days of service under MSO 4C. This Court held that regularisation as per clause 4C of MSO was impermissible but did not disturb the relief of regularisation as Respondents therein complied with one time exception in para 53 of Umadevi as the appointment was held to be against sanctioned posts and completion of 10 years of service (without Court intervention) as on the judgment in Umadevi. The judgment in Chief Officer, Alibaug Municipal Council is thus clearly distinguishable as initial engagements of Respondents were not against sanctioned posts, they did not complete 10 years of service without Court's intervention and their initial appointments were made only to meet temporary exigencies of service such as regular incumbent's deputation on training, leave, absence, etc. Therefore Respondents are not entitled to the benefit of one time exception in para-53 of the judgment in Umadevi.

¹⁴. SLP © 2241-42 of 2016 decided on 30 January 2024

31) Before parting, a quick reference to the recent judgment of the Apex Court in ***Vinod Kumar & Ors. vs. Union of India & Ors.*** would be necessary. The Apex Court had an occasion to once again visit the issue of regularisation of service of government employees. The Apex Court has dealt with case of Accounts Clerks in the office of Divisional Regional Manager, who were appointed to ex-cadre posts after conducting selection process involving written test and viva voce interviews in pursuance of Notification dated 21 February 1991. After putting in considerable period of service, the Appellants approached Central Administrative Tribunal. Their original applications were dismissed by the Tribunal holding that their appointments were temporary and for specific scheme. After their Writ Petitions were dismissed by the High Court, the Appellants approached the Supreme Court. The Apex Court, after referring to its decision in Umadevi has held in paragraphs 5, 6, 7, 8 and 9 as under:

"5. Having heard the arguments of both the sides, this Court believes that the essence of employment and the rights thereof cannot be merely determined by the initial terms of appointment when the actual course of employment has evolved significantly over time. The continuous service of the appellants in the capacities of regular employees, performing duties indistinguishable from those in permanent posts, and their selection through a process that mirrors that of regular recruitment, constitute a substantive departure from the temporary and scheme-specific nature of their initial engagement. Moreover, the appellants' promotion process was conducted and overseen by a Departmental Promotional Committee and their sustained service for more than 25 years without any indication of the temporary nature of their roles being reaffirmed or the duration of such temporary engagement being specified, merits a reconsideration of their employment status.

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 back door entry as discussed in the case of Uma Devi (supra).

7. The judgment in the case 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. Paragraph 53 of the Uma Devi (supra) case is reproduced hereunder:

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8. In light of the reasons recorded above, this Court finds merit in the appellants' arguments and holds that their service conditions, as evolved over time, warrant a reclassification from temporary to regular status. The

failure to recognize the substantive nature of their roles and their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and the intent behind employment regulations.

9. Accordingly, the appeals are allowed. The judgment of the High Court is set aside, and the appellants are entitled to be considered for regularization in their respective posts. The respondents are directed to complete the process of regularization within 3 months from the date of service of this judgment."

32) I am afraid the judgment in Vinod Kumar again does not assist the case of Respondents. In Vinod Kumar, the appointments were made after conducting selection process involving written test and viva voce interviews in pursuance of a Notification. In the present case, Respondents are back door entrants who are engaged without conducting any selection process.

33) Mr. Pakale has contended that by now it has been 23-24 years that Respondents continue to be in service and that they deserve to be regularised in service at least at some point of time if not from the date of completion of 240 days' of service. As observed above, Respondents do not satisfy the criteria of one-time exception in para 53 of judgment in Umadevi. **Their continuation in service is owing to the interim and final orders passed by the Industrial Court.** Since impugned Order of the Industrial Court is found to be erroneous, their continuation in service is actually void. They have earned salaries for continuation in service all these years and now it is not possible to recover the same. However, to expect regularisation of their appointments on the strength of erroneous continuation in service is like adding premium to the illegality. Public exchequer is already bled by making two persons work against one post. Regularising services of Respondents would put additional burden on the public exchequer. In my view therefore, mere continuation in service during pendency of litigation would not be a fit ground to grant them regularisation.

(emphasis added)

41) Thus, no right is created in contractual or temporary employees to claim regularization/permanency merely on the strength of few years

of casual/contractual service. PCMC being an instrumentality of State is under obligation to fill up vacant sanctioned post by conducting regular selection. Contractual appointees having secured temporary engagements for 6 months by participating in selections held for effecting such contractual engagements cannot brand themselves to be irregularly appointed employees on vacant sanctioned posts. By their very nature, the initial engagements of the employees covered by these petitions were for fixed period. No right is acquired on the strength of such engagements to remain in services of the Municipal Corporation. I am therefore of the view that the employees covered by these petitions cannot be granted permanency in service. With a view to avoid creation of any further hopes in their minds, the interim protection granted in their favour must also come to an end.

42) After considering overall conspectus of the case, no case is made out by the employees for grant of relief of permanency and the Industrial Court has rightly refused the same. No interference in the orders of the Industrial Court, to the extent of denial of relief of permanency, is therefore warranted.

43) In my view therefore, all the Writ Petitions, filed by the employees deserve to be dismissed. Though relief of payment of wages at the minimum of pay-scale granted by the Industrial Court warrants no interference, slight modification with regard to the date from which said benefit is to be granted is necessary.

44) I accordingly proceed to pass following order:

- (i) It is held that employees involved in the Petitions are not entitled to the relief of permanency in service and the orders

passed by the Industrial Court refusing permanency to the employees do not warrant any interference.

(ii) The employees covered in the Petitions are entitled to be paid wages in the minimum of pay-scale applicable to regular employees holding similar posts w.e.f. the date of filing of Complaints by each one of them. To this limited extent of the date from which this benefit is to be granted, the orders passed by the Industrial Court shall stand modified.

(iii) The Municipal Corporation shall pay to all employees covered by these petitions difference in the wages arising out of grant of benefit of wages in minimum of pay scale within a period of three months.

(iv) Interim orders granted in the Petitions shall stand vacated.

45) With the above directions all the Petitions stand disposed of.

46) Interim applications stand disposed of.

[SANDEEP V. MARNE, J.]

47) After the judgment is pronounced, the learned counsel appearing for the employees pray for continuation of interim order that was operating during pendency of the Petitions. The request is opposed by the learned counsel appearing for Municipal Corporation.

48) Considering the facts and circumstances of the present case, the interim order shall operate for a period of four weeks from today.

[SANDEEP V. MARNE, J.]

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