

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****930 WRIT PETITION NO. 4986 OF 2015**

DYANESHWAR RAVINDRA PAWAR AND OTHERS
VERSUS

STATE OF MAHARASHTRA AND OTHERS

WITH

931 WRIT PETITION NO. 4988 OF 2015

PANKAJ SUDHAKAR VISPUTE AND OTHERS
VERSUS

STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Deshmukh Yogesh P. &
Mr. Kulthe Sudha S.

AGP for Respondent/State : Mr. D.V. Tele

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: May 07, 2015

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PER COURT :-

Heard the learned counsel appearing for the petitioners. They submit that, most of the petitioners are working as Junior Engineers though they are appointed on contractual basis from the year 2007. It is submitted that, issuing such appointment orders on contract basis, though their regular pay scale is prescribed, amounts to exploitation. It is submitted that, the State Government is not following the spirit of

the Scheme introduced by the Central Government and there is also breach of the scheme introduced by the Central Government. It is submitted that, the said scheme under which the petitioners are working will be continued upto 2030. It is submitted that, other similarly situated persons, who are appointed through M.P.S.C. are given regular pay scale and they are accommodated on the permanent posts. However, though the petitioners are fully qualified, they are denied the said benefits. At the cost of repetition, it is submitted that, the petitioners are working from the year 2007 and therefore, the legitimate expectation of the petitioners is that, they should be absorbed on regular basis in regular pay scale. It is submitted that, the Bombay High Court bench at Nagpur, while considering the cases of the petitioners, who were similarly situated that of the petitioners and appointed on adhoc basis, on completion of their three years period, view is taken that, their services cannot be terminated, and rather they are required to be given

regular pay scale and permanency. The learned counsel appearing for the petitioners invited our attention to the pleadings/grounds taken in the Petition and submits that, in identical facts situation, the Writ Petition No. 4438/2015 has been entertained at the Principal Seat at Bombay High Court, and notices are issued to the Respondents, and the petitioners therein have been protected.

2. On the other hand, the learned Additional Government Pleader has vehemently opposed the prayer of the petitioners on the ground that, the appointments of the petitioners are on contractual basis and they have no right to assert.

3. We have given careful considerations to the submissions advanced by the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the Respondent/State. With their able assistance we have

perused the pleadings/grounds taken in the Petition, annexures thereto and we are of the prima facie opinion that, the petitioners have no right to assert so far regularization and permanency is concerned. Admittedly, the petitioners are appointed on contractual basis, by issuing orders for 11 months, may be from the year 2007. It is not in dispute that, the petitioners are appointed under the scheme introduced by the Central Government, and implemented by the State Government. Therefore, in our prima facie opinion, the petitioners have no right to assert either for regularization or permanency. Hence no case is made out to entertain the Petitions. The Petitions stand rejected.

4. However, we make it clear that, rejection of these Petitions cannot be construed as an impediment, in case the respondents wish to consider the cases of the petitioners either for regularization, permanency or granting them pay scale. It is also made clear that, if

the petitioners have alternate remedy for redressal of their grievances, so as to appreciate the disputed questions of facts or the evidence/material, dismissal of these Petitions shall not be construed as impediment for redressal of their grievance. In case petitioners request is not considered by the respondents by passing specific order, it may be open to the petitioners to approach Maharashtra Administrative Tribunal or the High Court.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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