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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.8810/2015
IN
WRIT PETITION NO.9242/2014
AND
CIVIL APPLICATION NO.8811/2015
IN
WRIT PETITION NO.6223/2014
AND
CIVIL APPLICATION NO.8815/2015
IN
WRIT PETITION NO.1697/2015
AND
CIVIL APPLICATION NO.8816/2015
IN
WRIT PETITION NO.11121/2014
AND
CIVIL APPLICATION NO.8817/2015
IN
WRIT PETITION NO.8817/2015
AND
CIVIL APPLICATION NO.8818/2015
IN
WRIT PETITION NO.10710/2014
AND
CIVIL APPLICATION NO.8819/2015
IN
WRIT PETITION NO.9527/2014

The State of Maharashtra & others.
...Applicants..

Versus

Trishala Kashinath Balsaraf & others.
...Respondents...

.....

Shri K.G. Patil, AGP for applicants.
Shri A.V. Indrale Patil, Advocate for respondents –
original writ petitioners in CA Nos.8810/15, 8811/15,

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8815/15, 8817/15 and 8819/15.

Shri Vinod P. Patil, Advocate for respondents – original writ petitioners in CA Nos.8816/15 and 8818/15.

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**CORAM: S.V. GANGAPURWALA &
V.K. JADHAV, JJ.**

DATE: 14.08.2015

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] Present civil applications are moved seeking modification of the order passed by this Court in these writ petitions. Learned AGP for the applicants states that the applicants would restrict the present applications only to the extent of clarification with regard to paragraph no.5 of the order. Learned AGP states that in paragraph no.4 of the order, this Court has directed the present applicants to regularize the services of the original writ petitioners and confer permanency on those petitioners who have completed three years of service with technical breaks, however, the same is not reflected in paragraph no.5 of the order, which says that the petitioners who are in continuous employment till the date of the order shall be continued in service as regularized employees. Learned AGP submits

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that this should hold good in respect of employees who have completed three years of service. According to the learned AGP, if paragraph nos.4 and 5 of the order are read conjointly, there is no confusion, but if paragraph no.5 is read independently, then the confusion is arising.

3] We have heard learned counsel S/Shri A.V. Indrale Patil and V.P. Patil for the original writ petitioners. They submit that there is no ambiguity in the order passed by this Court by reading paragraph nos.4 and 5 conjointly.

4] We have considered the submissions. The parties are at ad idem that it is only those employees who have completed three years continuous service with technical breaks are entitled for regularization and the orders were passed by us in writ petitions based on the judgment delivered by this Court at Nagpur in Writ Petition No.2046/2010 in which also regularization is granted to those employees who have worked continuously for a period of three years or more with technical breaks.

5] In the light of above, present civil applications are disposed of with a clarification that in the orders

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passed by is in respective writ petitions, paragraph no.5 is to be read conjointly with paragraph no.4 and those petitioners who are in continuous employment for a period of three years with technical breaks are directed to be continued in service as regularized employees.

(V.K. JADHAV, J.)

(S.V. GANGAPURWALA, J.)