

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.10545 OF 2015**Smt.Vimalbai W/o Namdeo Dive and others Vs. Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.R.K.Ashtekar, advocate for the petitioners
 Ms.R.P.Gour, A.G.P. for the State.
 Mr.U.B.Bondar, advocate for Respondent Nos.2 and 3.

**CORAM : S.V.GANGAPURWALA AND
 K.L.WADANE, JJ.**

Date : 17.11.2016.

PER COURT :

1. Heard.
2. Mr.Ashtekar, learned counsel submits that the petitioners are working as Paricharikas with the Respondent. They are paid only Rs.1,200/- (Rupees one thousand two hundred) p.m. The said amount is also below the minimum wages. For more than 20/25 years, the petitioners are discharging their duties as Paricharikas, they are not being regularised in service. Even the question was raised in the Assembly to that effect. Though the appointment order is given to the petitioners as part time Paricharikas, they are doing the work full time. The petitioners are entitled for

regularisation of their services.

3. Mr.Bondar, learned counsel for Respondent Nos.2 and 3 and learned A.G.P. submit that the petitioners are paid only Honorarium. The posts are not sanctioned posts. They are working only part time. As such the case of petitioners can not be considered for regularisation. They are paid Rs.1,200/- (Rupees one thousand two hundred) p.m. for the part time services rendered by them.

4. The Apex Court in a case of **“Secretary to Government, School Education Department, Chennai Vs. Thiru R.Govindaswamy and others”** reported in 2014 AIR SCW 1643, has observed that if the appointment is not against the sanctioned post and are appointed as part time sweepers in the Government Department, their long time services would not earn them relief of regularisation of service and these part time employees are free to engage themselves elsewhere also.

5. In the present case, the petitioners are appointed as part time Paricharikas. They have not undergone any selection process nor they are appointed on sanctioned posts, they are only paid honorarium. The judgment of the Apex Court in a case of **“Secretary to Government, School Education Department, Chennai Vs. Thiru R. Govindaswamy and others”** referred to supra would squarely apply.

6. In light of the above, this Court can not come to the aid of the petitioners. The petitioners if they so desire, may approach the Government in that regard.

7. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.11.2016.
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