

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7844 Of 2014

BIPIN S/O CHABURAO PATOLE AND OTHERS PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA RESPONDENTS
AND OTHERS

Mr.V.P.Latange, Advocate for the petitioners.

Mr.V.G.Shelke, AGP for respondent nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/01/2016

PER COURT :

1. I have heard the learned Advocate for the petitioners and the learned AGP on behalf of the respondents at length.

2. Learned Advocate for the petitioners has placed on record a document dated 01/10/2012 alongwith the communication dated 03/03/2015 and 24/06/2015 by which the names of the petitioners have been included in a proposal seeking sanction for regularizing their services.

3. Mr.Latange, learned Advocate submits that this proposal also indicates the vacancies available with the respondents.

4. The said proposal (28 pages) is taken on record and marked as Exhibit "X" for identification.

5. Mr.Latange submits that all the petitioners are still in employment. They are willing to await the decision of the respondents on the proposal Exhibit "X". They are willing to be absorbed as and when the vacancies arise, provided their services are protected.

6. The learned AGP submits that Exhibit "X" is pending with the competent authorities. A decision thereon can be arrived at and the said decision would be communicated to the petitioners expeditiously.

7. In the light of the above, Mr.Latange submits that this petition could be disposed of by giving necessary directions to the respondents to decide Exhibit "X" and convey the decision to the petitioners at the earliest.

8. Considering the above, this petition is disposed of with a direction to the respondents to decide the proposal Exhibit "X" within a period of 6 (six) months from today and communicate the decision thereon to the petitioners within a period of 6 weeks thereafter. In the event, the respondents decide to absorb the petitioners considering the vacancies available as is evident from page No.1 and 2 of Exhibit "X", the

petitioners shall be absorbed on the available vacancies and those vacancies / permanent posts which may be available even in future.

9. Needless to state, the petitioners' services shall not be terminated merely on the ground that they are "temporaries" or "daily wagers" till Exhibit "X" is decided and the decision on Exhibit "X" is communicated to them. This protection shall continue and also for a period of 6 (six) weeks after the petitioners receive the decision of the respondents on Exhibit "X". This protection, however, shall not be applicable to acts of mis conduct or indiscipline, if any, committed by any of the petitioners.

(RAVINDRA V. GHUGE, J.)