IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12153 OF 2016

Narendra S/o Gopal Kale,
Age-49 years, Occu-Service as Driver,
with Municipal Corporation, Jalgaon
Resident of : 353/1, Jaykisan Wadi,
Jalgaon, Tq. And Dist.Jalgaon ...PETITIONER

VERSUS

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Tq. and Dist. Jalgaon,
Through its Commissioner. ...RESPONDENT

WITH
WRIT PETITION NO. 11342 OF 2016

Bharat Ananda Raising,
Age : 40 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Valmik Nagar, Gharkul,
House No. 78, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Tq. And District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11343 OF 2016

Narayan Gangaram Kale,
Age : 51 years, Occ. : Service as Driver

with Municipal Corporation, Jalgaon,
R/o. 471 Vitthal Peth, Badam Galli, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11344 OF 2016

Lani Martin Joseph,
Age : 48 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Opp. Bafna Goshala,
Ajintha Road, Kusumba, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11345 OF 2016

Sanjay Vasantrao Mahajan,
Age : 46 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Gurudatta Colony,
Pimprala, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,

Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11346 OF 2016

Dnyaneshwar Ragho Marathe,
Age : 44 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Shirsholi, Pr. BO Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11347 OF 2016

Prashant Vivek Kankhare,
Age : 44 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Plot No. 9, Jivanmoti Society,
Opposite of Gunjan Mangal Karyalay,
Jalgaon, Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11348 OF 2016

Dattatraya Sadashiv Sapkale,
Age : 47 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Khed Road, Gitainagar,
Gut No. 63/1, House No. 7, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11349 OF 2016

Vijay Dashrath Sonawane,
Age : 48 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Building No. 39,
General Mill, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11350 OF 2016

Santosh Shantaram Nikumbh,
Age : 47 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Behind Kusumba Sai Nagar,
Plot No. 84, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11351 OF 2016

Suresh Anna Patil,
Age : 49 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Shriram Smarth Colony,
Gat No. 347/1, Plot No. 6,
Pimprala, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11352 OF 2016

Rahimoddin Shaikh Mehboob,
Age : 52 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Plot No. 11, Iqbal Colony,
Mehrun Shivar, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,

Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11353 OF 2016

Prakash Rangrao Pawar,
Age : 50 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Near Commissioner's Bunglow,
Shivaji Nagar Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11354 OF 2016

Vijay Pandharinath Wagh,
Age : 42 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Plot No. 1/1, Pimprala Shivar,
Jilha Bank Colony, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11355 OF 2016

Sharad Gambhir Sonawane,
Age : 42 years, Occ. : Service as Driver

with Municipal Corporation, Jalgaon,
R/o. Plot No. 5, Shivshankar Nagar,
Asoda Road, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11500 OF 2016

Dilip Eknath Kolhe,
Age : 47 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Plot No. 26, Sarswati Nagar,
Kasamwadi, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11514 OF 2016

Pradip Bhika Ingale,
Age : 58 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Plot No. 12, Wagh Nagar,
Near Vivekanand School, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 11515 OF 2016

Rajendra Atmaram Koli,
Age : 40 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Walmik Nagar, Gharkul, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 12163 OF 2016

Vasant Omkar Sushir,
Age : 44 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. 4, Tuljai Nagar, Kusumba, Jalgaon,
Taluka and District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 12195 OF 2016

Karimoddin Bashir Pinjari,
Age : 49 years, Occ. : Service as Driver
with Municipal Corporation, Jalgaon,
R/o. Bilal Chowk,
Naya Tambapura,
Jalgaon, Taluka and
District Jalgaon. ...PETITIONER.

Versus

Jalgaon City Municipal Corporation,
Jalgaon, Administrative 17th Floor Building,
Nehru Chowk, Navi Peth, Jalgaon,
Taluka and District Jalgaon,
Through its Commissioner. ...RESPONDENT.

WITH
WRIT PETITION NO. 12428 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Lani Martin Joseph,
Age : 48 years, Occ. : Service,
R/o. Opp. Bafana Goshala,
Ajintha Road, Kusumba City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12429 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Gokul Gangaram Galphade,
Age : 49 years, Occ. : Service,
R/o. Wagh Nagar Stop,
Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12430 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Narayan Shankar Chandelkar,
Age : -- years, Occ. : Service,
R/o. Juna Khedi Road, Shankarrao Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12431 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Prakash Rangrao Pawar,
Age : 50 years, Occ. : Service,
R/o. Near Commissioner's Bungalow,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12432 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Rahimoddin Shaikh Mehboob,
Age : 52 years, Occ. : Service,
R/o. Plot No. 11, Iqbal Colony,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12433 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Gajanan Prabhakar Sonar,
Age : 47 years, Occ. : Service,
R/o. Plot No. 46, Sambhaji Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12434 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Vijay Pandharinath Wagh,
Age : 42 years, Occ. : Service,
R/o. Plot No. 1/1,

Pimprala Shivar,
Jilha Bank Colony,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12435 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Nitin Bansi Bhalerao,
Age : 38 years, Occ. : Service,
R/o. Namdev Nagar,
Indraprastha Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12436 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dilip Eknath Kolhe,
Age : 50 years, Occ. : Service,
R/o. Plot No. 26/1,
Saraswati Nagar,
Kasamwadi, Jalgaon
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12437 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Anil Ramdas Koli,
Age : 42 years, Occ. : Service,
R/o. Valmik Nagar, House No. 46,
M.N.P. Gharkul,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12438 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Riyaz Ali Razzak Ali,
Age : 42 years, Occ. : Service,
R/o. 24, Shivaji Nagar,
Near Shetaki Sangh Godown,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12439 OF 2016

Jalgaon Municipal Corporation,
Administrative Building, Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Subhash Dhondu Bediskar,
Age : -- years, Occ. : Service,
R/o. Joshiwada, Mehrun,

Opp. Ajay Kirana,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12440 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Pradip Bhika Ingale,
Age : 54 years, Occ. : Service,
R/o. Plot No. 12, Wagh Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12441 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Akil Shafi Bagwan,
Age : 46 years, Occ. : Service,
R/o. House No. 295, Joshi Peth,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12442 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Suresh Dattatray Patil,
Age : 49 years, Occ. : Service,
R/o. Plot No. 5, Dandekar Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12443 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Prabhakar Kautik Sonwane,
Age : 49 years, Occ. : Service,
R/o. Varad, Tq. : Dharangaon,
Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12444 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Shivcharan Gaurishankar Pande,
Age : 52 years, Occ. : Service,
R/o. Opp. Shahu Nagar,
Police Chowki,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12445 OF 2016

Jalgaon Municipal Corporation,

Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Kishor Vasant Patil,
Age : 39 years, Occ. : Service,
R/o. Gendalal Mill, Building No. 18,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12446 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Subhash Damu Sonawane,
Age : 48 years, Occ. : Service,
R/o. Nandra,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12447 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Rajesh Fattesingh Dhivgav,
Age : 44 years, Occ. : Service,
R/o. Valmik Nagar, Jamner Road,
Bhusawal,

Tq. : Bhusawal, Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12448 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Rajaram Amarsing Patil,
Age : 53 years, Occ. : Service,
R/o. Kusgaon, Tq. : Yawal,
Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12449 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Karimoddin Basir Pinjari,
Age : 49 years, Occ. : Service,
R/o. Bilal Chowk,
Naya Tambapura,
Jalgaon City,
Tq. & Dist. Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12450 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,

Through its Commissioner. ...PETITIONER.

Versus

Ravindra Govinda Patil,
Age : 56 years, Occ. : Service,
R/o. Patil Wada, Asoda,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12451 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Salim Khan Samsher Khan,
Age : 50 years, Occ. : Service,
R/o. Shivaji Nagar,
Kranti Chowk,
Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12452 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sharad Gambhir Sonwane,
Age : 42 years, Occ. : Service,
R/o. Plot No. 5,
Shiv Shankar Nagar, Asoda Road,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12453 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dilip Dagadu Kankhare,
Age : 41 years, Occ. : Service,
R/o. Plot No. 37,
Police Housing Society,
Avane Shivar, Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12454 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Vivekanand Ramesh Kothavade,
Age : 41 years, Occ. : Service,
R/o. Plot No. 20, Ashababa Nagar,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12455 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sanjay Narayan Marathe (Chavan),
Age : 43 years, Occ. : Service,
R/o. 347, Shivaji Nagar,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12456 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Suresh Laxman Patil,
Age : 48 years, Occ. : Service,
R/o. Wagh Nagar, Vishal Colony,
Plot No. 30,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12457 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Raju Ganpat Mahajan,
Age : 47 years, Occ. : Service,
R/o. Mayur Housing Society, Pimprala
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12458 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Mahesh Nanasaheb Thorat,
Age : 41 years, Occ. : Service,
R/o. Mayur Housing Society,
Plot No. 37,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12459 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sanjay Bhagwat Patil,
Age : 48 years, Occ. : Service,
R/o. Plot No. 30, Sai Nagar,
Nimkhedi Shivar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12460 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dnyaneshwar Ragho Marathe,
Age : 44 years, Occ. : Service,
R/o. Shirsoli, Pr. Bo.,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12461 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Iqbal Shaikh Husanoddin,
Age : 48 years, Occ. : Service,
R/o. Shivaji Nagar,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12462 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sayyad Sajid Ali Sayyad Abrd Ali,
Age : 41 years, Occ. : Service,
R/o. Bhavani Peth, Islampura,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12463 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,

Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Yusuf Yakub Patel,
Age : 40 years, Occ. : Service,
R/o. Shirsoli Naka, Ramnagar,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12464 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Govind Baban Sonawane,
Age : 45 years, Occ. : Service,
R/o. Shani Peth,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12465 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Kailas Bansilal Devraj,
Age : 42 years, Occ. : Service,
R/o. Shri Nathji Bhuvan,
Ganesh Colony,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12466 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Prakash Patingrao Kumawat,
Age : 43 years, Occ. : Service,
R/o. Gopalpura, Police Colony,
Shrikushna Colony, Avane Shivar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12467 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Anil Bhika Bari,
Age : 38 years, Occ. : Service,
R/o. Shirsoli, Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12468 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Arun Prataprao Solunkhe,
Age : 46 years, Occ. : Service,
R/o. Vitthal Peth, Teli Chowk,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12469 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Santosh Shantaram Nikumbh,
Age : 47 years, Occ. : Service,
R/o. Plot No. 84, Sai Nagar,
Behind Kusumba,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12470 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sahankar Nattu Sapkale,
Age : 42 years, Occ. : Service,
R/o. Valmik Nagar, Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12471 OF 2016

Jalgaon Municipal Corporation,
Administrative Building, Nehru Chowk,

Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Devidas Baburao Dusane,
Age : 50 years, Occ. : Service,
R/o. Ayodhya Nagar, Laxmi Park,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12472 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Santosh Pandit Tayade,
Age : 46 years, Occ. : Service,
R/o. Vitthal Peth,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12473 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Madhukar Sadashiv Pol,
Age : 50 years, Occ. : Service,
R/o. 124, Shivaji Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12474 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Suresh Bhagwat Jagtap,
Age : 41 years, Occ. : Service,
R/o. Bhoite Nagar,
Gauri Apartment,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12475 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Talat Mehmood Nawaj Mohammad,
Age : 57 years, Occ. : Service,
R/o. 88, Baliram Peth, Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12476 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dattatray Sadashiv Sapkale,
Age : 46 years, Occ. : Service,
R/o. Juna Khedi Road, Gitainagar,
Gat No. 63/1, H 7, Jalgaon,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12477 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Narendra Dayaram Kate,
Age : 44 years, Occ. : Service,
R/o. Plot No. 16, Bhushan Colony,
Behind M. J. College,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12478 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Mohd. Faik Shaikh Bismilla Bagwan,
Age : 50 years, Occ. : Service,
R/o. Tambapura, Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12479 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Shaikh Jamil Shaikh Gani,
Age : 45 years, Occ. : Service,
R/o. Shahu Nagar, Near Water tank,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12480 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Rajendra Atmaram Koli,
Age : 40 years, Occ. : Service,
R/o. Valmik Nagar, Gharkul,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12481 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dattatray Keshavrao Marathe,
Age : -- years, Occ. : Service,
R/o. Gurudatta Colony,
Girana Pumping Road,

City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12482 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Santosh Budho Saindane,
Age : 48 years, Occ. : Service,
R/o. Plot No. 31, Kanchan Nagar,
Near Pirbaba Darga,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12483 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Vijay Dasharath Sonawane,
Age : 43 years, Occ. : Service,
R/o. Building No. 39, Gendalal Mill,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12484 OF 2016

Jalgaon Municipal Corporation,
Administrative Building, Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Prashant Vivek Kankhare,
Age : 44 years, Occ. : Service,
R/o. Plot No. 9, Jivanmoti Society,
Opp. Of Gunjan Mangal Karyalaya,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12485 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Ashok Asman Sonawane,
Age : 54 years, Occ. : Service,
R/o. Gendalal Mill,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12486 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dilip Lotu Rane,
Age : 52 years, Occ. : Service,
R/o. Kolipeth Bhoi Wada,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12487 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sharad Hiraman Sonwane,
Age : 39 years, Occ. : Service,
R/o. Dapora,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12488 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dilip Rajjan Dandhore,
Age : 44 years, Occ. : Service,
R/o. Bhangi Mohalla,
Jamner Road, Bhusawal,
Tq. Bhusawal, Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12489 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Ratan Shivram Pawar,
Age : 51 years, Occ. : Service,

R/o. Vavadada,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12490 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Suresh Pandharinath Bari,
Age : 49 years, Occ. : Service,
R/o. Shirsoli,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12491 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Ravindra Eknath Parvathe,
Age : 37 years, Occ. : Service,
R/o. Plot No. 29, Dwaraka Nagar,
Near Jamuna Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12492 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,

Through its Commissioner. ...PETITIONER.

Versus

Jamnadas Shamdas Kharare,
Age : 42 years, Occ. : Service,
R/o. 15 Bangla, Varangaon Road,
Near Nirmal Nursary, Bhusawal,
Tq. Bhusawal, Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12493 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Ravindra Pundalik Sapkale,
Age : 46 years, Occ. : Service,
R/o. Plot No. 193, Adarsh Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12494 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Narendra Gopal Kale,
Age : 49 years, Occ. : Service,
R/o. 353/1, Jay Kisanwadi,
Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12495 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Vijay Bhila Madane,
Age : 46 years, Occ. : Service,
R/o. Plot No. 24/26, Adarsh Nagar,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12496 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Dilip Rama Baviskar,
Age : 44 years, Occ. : Service,
R/o. Dandekar Nagar, Pimprala,
Jalgaon City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12497 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Bharat Ananda Raising,
Age : 40 years, Occ. : Service,
R/o. Housing No. 78,
Valmik Nagar, Gurukul,
Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12498 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Narayan Gangaram Kale,
Age : 51 years, Occ. : Service,
R/o. 471, Vithal Peth,
Badam Galli,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12499 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Ravindra Tryambak Kolhe,
Age : 48 years, Occ. : Service,
R/o. Near Ram Mandir, Asoda,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12500 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Abrar Sattar Pinjari,
Age : 38 years, Occ. : Service,
R/o. Baliram Peth,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12501 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Sanjay Vasantrao Mahajan,
Age : 46 years, Occ. : Service,
R/o. Gurudatta Colony, Pimprala,
Jalgaon, City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12502 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Vasant Omkar Sushir,
Age : 44 years, Occ. : Service,
R/o. 4, Tuljai Nagar, Kusumba,

Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12503 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Nandkishor Ashok Khadke,
Age : 42 years, Occ. : Service,
R/o. 155, Vithal Peth, Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12504 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Nilkanth Namdeo Patil,
Age : 43 years, Occ. : Service,
R/o. Dahigaon, Tq. : Pachora,
Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12505 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Jayant Natthu Kolhe,
Age : 48 years, Occ. : Service,
R/o. Ram Peth, Kolhe Wada,
Old Jalgaon City,
Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12506 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Suresh Anna Patil,
Age : 49 years, Occ. : Service,
R/o. Gat No. 347/1,
Plot No. 6, Pimprala,
Shriram Samarth Colony,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12507 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Nilkanth Atmaram Tayade,
Age : 38 years, Occ. : Service,
R/o. Ramanand Nagar,
City, Tq & Dist. : Jalgaon. ...RESPONDENT.

WITH
WRIT PETITION NO. 12508 OF 2016

Jalgaon Municipal Corporation,
Administrative Building,
Nehru Chowk,
Navali Peth, Jalgaon,
Through its Commissioner. ...PETITIONER.

Versus

Ashok Mangal Sarvan,
Age : 46 years, Occ. : Service,
R/o. Shani Peth, Gurunanak Nagar,
Mehtar Colony,
City, Tq. & Dist. : Jalgaon. ...RESPONDENT.

Mr.V.D.Sapkal, Advocate for the petitioners/drivers.
Mrs.Chaitali Choudhary, Advocate for the respondent/Corporation.
Mr.Girish Nagori, Advocate for the respondents/drivers in WP Nos.12428/2016 to 12508/2016.
Mr.M.T.Bhagat, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/12/2016

ORAL JUDGMENTS :

1. Rule in all these petitions. Rule made returnable forthwith and heard finally by the consent of the parties.

2. In all these writ petitions, one group of petitions have been filed by 20 drivers working with the Jalgaon City Municipal Corporation. The other group of petitions have been filed by the same Municipal

Corporation against each of the 81 drivers who have succeeded before the Industrial Court in their ULP complaints.

3. There is no dispute that the Industrial Court, Jalgaon has delivered identical judgments in the individual complaints filed by these drivers u/s 28(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as the State Act). There is no dispute that these drivers as well as the Municipal Corporation are aggrieved by the impugned judgments.

4. For the sake of clarity, the petitioners/20 drivers as well as the respondents/drivers in the petitions filed by the Corporation are referred to as the litigating drivers and the Corporation is being referred to as the Corporation/Establishment, in this judgment.

5. Mr.Sapkal, learned Advocate appearing on behalf of the 1st batch of writ petitions filed by the drivers has criticized the impugned judgment only to the extent of the directions set out under clause (3) of the impugned judgments. For the sake of brevity and to avoid repetition, his contentions are summarized as under :-

[a] An advertisement was published on 04/01/1996 by the

Corporation for filling in certain positions of Drivers.

[b] The requirement was for heavy trucks, road rollers and excavators. In all 53 positions were available.

[c] The names of these drivers, dates of birth, dates of appointments, qualifications, number of years put in by them and their castes/religions are tendered through a ready reference chart by the Corporation (Marked as Exhibit "X" for identification).

[d] Barring 5 persons, who were appointed on 15/02/1993 and who are senior most, rest of the 82 persons have been appointed subsequently and pursuant to the advertisement.

[e] Each of them were issued with appointment orders.

[f] They have been continued for years together.

[g] They were terminated by the Corporation in 2000 and by the common judgment dated 28/08/2001, these drivers amongst the total number of 108 complainants, were all reinstated in service with continuity till the dates of availability of candidates from the District Selection Board.

[h] Since they continued for years together and noticed that fresh hands were been engaged and they were kept as temporary/daily wagers for years together, they preferred ULP complaints before the Industrial Court.

[i] Considering the direction in clause (3) of the impugned order, these drivers would not have raised a grievance, but for the fact that the Corporation had plans to take undue advantage of the said direction and disqualify all these 82 drivers who had approached the Industrial Court on the ground that they have become age bar.

[j] Appointment Orders issued to junior persons are placed on

record from page Nos. 53 to 94.

[k] Orders granting regularization to new faces / fresh hands on the pretext of clearing the backlog of reservation, are on record at Page Nos. 95 to 125.

[l] Those drivers, who belong to the reserved categories, have been overlooked by the Corporation only because they had approached the Industrial Court.

[m] During the earlier round of litigation before the Labour Court, the statement of the Corporation was recorded in a paragraph which is on page no.59 of the first petition paper book, in the judgment of the Labour Court that the proposals of these drivers have been forwarded by the Corporation (erstwhile Municipal Council) for seeking sanction of posts and the said proposal is still pending.

[n] If the proposal of these drivers is pending from 2001, the Corporation could not have engaged fresh hands and could not have regularized junior employees without considering the rights and claims of these drivers.

[o] There are specific pleadings in paragraph Nos.3, 4, 5 and 7 in the ULP complaints filed by these drivers before the Industrial Court categorically stating that they have been working as drivers for practically two decades, permanency should have been granted to them under Standing Order 4(C) of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the Act of 1946).

[p] Information received to them under Right to Information Act by communication dated 02/04/2016 issued by the Information Officer of the Corporation indicates that 48 posts are today vacant and available with the Corporation.

[q] All these persons who have gathered work experience as Drivers and having worked continuously in between 17 to 23 years, are in their early or mid fifties and one of them would be retiring within 2 months.

[r] Reliance is placed upon the recent judgment of the Hon'ble Supreme Court dated 26/10/2016 delivered in a large group of matters in between the State of Punjab and others Vs. Jagjit Singh and others.

[s] Paragraph Nos.5, 42 to 58 are relied upon in support of the contention that these drivers deserve to be granted permanency, all consequential benefits, parity in wages and arrears of difference of pay in comparison to comparable permanent employees of the Corporation.

6. Mrs.Chaudhary, learned Advocate appearing on behalf of the Corporation has strenuously criticized the impugned judgments. Her submissions can be summarized as under :-

[a] The chart supplied to the Court (marked as Exhibit “X” for identification) would indicate that barring 15, the rest of these drivers have become age bar and the administration of the Municipal Corporation does not have the authority to relax the age condition.

[b] If these disqualified drivers are regularized in employment, the appropriate authority of the State Government would find fault with the action of the Corporation.

[c] The Corporation does not have the power to create posts.

[d] The Corporation does not have the authority to regularize these drivers.

[e] A chart supplied to the Court (Marked as Exhibit "Y" for identification) indicates the pending list of eligible candidates who are to be appointed on compassionate basis as and when the vacancy arises by taking into account their seniority and their qualifications.

[f] Without exhausting this list Exhibit "Y", these drivers in these petitions cannot be granted regularization and the enlisted candidates eligible for compassionate appointment, cannot be kept away from appointments.

[g] Section 53 of the Maharashtra Municipal Corporations Act permits the Commissioner to appoint temporary employees only for 6 months.

[h] The State Urban Development Department is the competent authority to create posts and order regularization of employees.

[i] The horizontal and vertical reservation prescribed by the State cannot be ignored and the backlog cannot be enlarged by appointing these drivers on vacant posts.

[j] 33% reservation for women also cannot be ignored.

[k] All these drivers have been granted minimum pay scales as are prescribed by law and they have also been extended with such allowances as are payable to them depending upon the various notifications issued from time to time.

[l] Disparity in the gross salary of permanent drivers in comparison to these litigating drivers is only on account of the annual increments that are available to the regular drivers considering their service conditions.

[m] Drivers on daily wages are not entitled for increments and will have to work on the minimum pay scale as are provided for by the law applicable.

[n] The Model Standing Orders under the Act of 1946 is not applicable to these drivers and as such they cannot claim permanency under Standing Order 4(C).

[o] The Industrial Court could not have declared any ULP against the Corporation in the above backdrop and the direction to regularize the services of these drivers is unsustainable.

7. I have considered the extensive submissions of the learned Advocates which have been reproduced hereinabove.

8. The operative part of the impugned judgments, which are identical, read as under :-

> "*1. The complaints are partly allowed.*
>
> *2. It is hereby declared that, the respondent has indulged in unfair labour practice under Items 6 of Schedule – IV of the MRTU and PULP Act, 1971 and is directed to cease and desist from continuing the same in future.*
>
> *3. The respondent is further directed to absorb the complainants against vacant sanctioned posts phasewise as per their seniority and availability of such post in future, if the complainant satisfies all conditions of the candidates required for recruitment against such posts.*
>
> *4. No order as to costs."*

9. It needs mention that there is no dispute as regards the following aspects :-

[a] Each of these drivers has put in between 17 to 23 years in employment with the Corporation.

[b] Work as Drivers is available.

[c] These litigating drivers are performing the same work as is being performed by the regular/permanent drivers.

[d] There is a difference in the wage structure in between the litigating drivers and the permanent drivers, though the Corporation strenuously submits that the same is a result of the annual yearly increments made available to the regular drivers.

10. The ready reference chart supplied by the Corporation and which has been marked as Exhibit "X" for identification would indicate that all these litigating drivers have been appointed when they were within the permissible age limits and were not said to be age barred. Their castes/religions mentioned would indicate that practically 2/3rd of the said list belonged to different reserved categories.

11. The chart marked as Exhibit "Y" indicates the pending list of candidates eligible to be appointed on compassionate basis.

12. The contention of the drivers that Standing Order 4(C) under the Act of 1946 is applicable to them, has been put to rest by the

judgment of the learned Division Bench of this Court in the matter of Municipal Council, Tirora and another Vs. Tulsidas Baliram Bindhade [2016(6) Mh.L.J.867]. Paragraph No.2 and paragraph No.19 of the said judgment are relevant and it would be apposite to reproduce the said paragraphs as under :-

> *"2. We find that the controversy already answered by at least two Division Benches of this Court in 2006 & in 2008 in 2 LPAs and by at least two learned Single Judges S/Shri S. J. Vazifdar J. & B.P. Dharmadhikari J, after appreciating the binding precedents of the Hon'ble Apex Court. We have therefore rejected the request of Adv. M.P. Jaiswal to place the reference before Full Bench. Judgments of the Division Benches of this Court in LPA 37 of 2006 in case of Pune Municipal Corporation v. Dhananjay Prabhakar Gokhale, (2006) 7 LJ Soft page 107 = (2006) 4 Mah. L.J. page 66 (RMS Khandeparkar J. & Roshan Dalvi J.) & in LPA 14 OF 2008 dated 31-7-2008 reported at 2008 (5) All M.R. 497 = 2008 (10) LJ SOFT 53 - State of Maharashtra and Anr. Vs. Pandurang Sitaram Jadhav (Swatanter Kumar, C.J., A.P. Deshpande, J.) as also of Single Judge (S.J. Vazifdar, J.) in Ramesh Vitthal Patil & Ors. Vs. Kalyan Dombivali Municipal Corporation & Ors. -- 2010(6) Bom. C.R. 661--2010 (8) LJ SOFT 39 and another judgment of a Single Judge (One of us- B.P. Dharmadhikari J.) reported at 2011 (2) CLR 336=2011 (4) Mh.L.J. 875-- Shrirampur Municipal Council Vs. V.K. Barde, Member, Industrial Tribunal & Ors., are helpful here. In fact, the respective learned Single Judges whose concurring orders lead*

to this reference have also taken note of this legal position. Though Shri Jaiswal made request to place the matter before the Full Bench, he did not invite our attention to any contrary view of the Division Bench in the matter of public employment reached after considering the binding precedents. The third learned Single Judge to whom these two concurring views have been pointed out, noted the difference in facts presented to him and therefore, arrived at a different conclusion. As a question of law not requiring factual investigation is before us, respective Counsel have avoided to comment on merits of any of these orders and we also do not find it necessary to delve into it.

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. 4-C of M.S.O. A view to the contrary would result in regularizing/validating a void act. Cl. 4-C neither permits nor contemplates the same. As held in the above judgments, if the 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 the Constitutional mandate is unwarranted. 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. 4-C 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 Icchaporia (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."

13. It is thus settled by the learned Division Bench of this Court

that merely because the Drivers may have worked for 240 days in continuous employment, it would not entitle them for permanency. This Court (Coram : Ravindra V.Ghuge, J.) in the matter of Mukhyadhikari, Nagar Parishad, Tuljapur Vs.Vishal Vijay Amrutrao and others, [2015(5) Mh.L.J.75] and in WP No.1843/2015 and connected matters, Municipal Council, Tuljapur Vs. Baban Hussain Dhale and others decided on 26/02/2015 has concluded that the State Instrumentalities and establishments as like the Municipal Councils and Municipal Corporations cannot grant regularization to the daily wagers on non-existing posts. Unless the posts are available, there cannot be regularization. The different departments of the State Government are responsible for the creation of posts and as such, unless such posts are created and, are vacant, daily wagers cannot be regularized in service.

14. In the instant cases, it appears that 48 posts are available for regularizing drivers. It cannot be ignored that 15 years ago, in the earlier round of litigation, this very Corporation had made a categoric statement before the Labour Court that the proposals of these drivers (108) were forwarded for creation of posts and regularization and the said proposal was pending grant of approval. The Industrial Court, in the impugned judgments, in my view has rightly concluded that as

several employees were granted permanency in these last 15 years, and the claims of these drivers apparently appears to have been overlooked and ignored.

15. The contention of the Corporation is that fresh hands / new faces were appointed from 2013 onwards in order to clear the backlog and was under the direction of the learned Division Bench of this Court in its order dated 10/07/2013 in WP No.2611/2013. It is informed by Mr.Sapkal on the basis of the record as he had appeared for a list of drivers who were selected on 06/07/2012 pursuant to the advertisement dated 04/08/2011, that it was this list that was directed by this Court to be appointed. There is no dispute that in the list of the litigating drivers in the cases in hand, almost 2/3 of them belong to the reserved categories, but they did not figure in the said list of fresh hands who were appointed pursuant to the order of the learned Division Bench dated 10/07/2013.

16. It is, therefore, apparent from the above record and facts that there was surely an opportunity in 2011 for this Corporation to regularize the services of these litigating drivers as the posts were vacant and available. Even if those drivers appointed under orders of this Court dated 10/07/2013 belong to the reserved categories, since

these litigating drivers were not a part of that list, it could only be said that these litigating drivers thus lost an opportunity of regularization.

17. In these peculiar facts as above, I am not convinced by the submissions of the Corporation that these litigating drivers, barring 15, have become age barred and cannot be accommodated. The age barrier would apply to a fresh appointment or under certain terms and conditions which are introduced while making certain appointments. In my view, applying the age barrier to these litigating drivers who have worked in between 17 years to 23 years, would amount to miscarriage of justice and travesty of justice. The bonafides of the Corporation are neither convincing nor proved. Despite the directions of the Industrial Court in the impugned orders, these litigating drivers are sought to be ignored on a spacious plea of 'age barrier'.

18. The contention of the Corporation that unless the enlisted candidates for compassionate appointments are not appointed, these litigating drivers cannot be accommodated, is a fallacious submission. Some of the enlisted candidates are in queue from 2011. The Corporation has not come forward either before the

Industrial Court or before this Court as to whether there were any vacancies for accommodating these candidates who are enlisted from 2011 onwards. Considering the above aspects, I do not find any merit in the submissions of the Corporation.

19. In the State of Punjab Vs. Jagjit Singh (supra), the Hon'ble Supreme Court has recorded in paragraph No.5 and 6 as to what was the controversy before it in regard to the daily wagers, ad-hoc appointees and contractual employees. Paragraph Nos. 5 and 6 read as under :-

> *"5. The issue which arises for our consideration is, whether temporarily engaged employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like), are entitled to minimum of the regular pay-scale, alongwith dearness allowance (as revised from time to time) on account of their performing the same duties, which are discharged by those engaged on regular basis, against sanctioned posts. The full bench of the High Court, while adjudicating upon the above controversy had concluded, that such like temporary employees were not entitled to the minimum of the regular pay-scale, merely for reason, that the activities carried on by daily-wagers and the regular employees were similar. However, it carved out two exceptions, and extended the minimum of the regular pay to such employees. The exceptions recorded by the full bench of the High Court in*

the impugned judgment are extracted hereunder:-

> *"(1) A daily wager, ad hoc or contractual appointee against the regular sanctioned posts, if appointed after undergoing a selection process based upon fairness and equality of opportunity to all other eligible candidates, shall be entitled to minimum of the regular pay scale from the date of engagement.*
>
> *(2) But if daily wagers, ad hoc or contractual appointees are not appointed against regular sanctioned posts and their services are availed continuously, with notional breaks, by the State Government or its instrumentalities for a sufficient long period i.e. for 10 years, such daily wagers, ad hoc or contractual appointees shall be entitled to minimum of the regular pay scale without any allowances on the assumption that work of perennial nature is available and having worked for such long period of time, an equitable right is created in such category of persons. Their claim for regularization, if any, may have to be considered separately in terms of legally permissible scheme.*
>
> *(3) In the event, a claim is made for minimum pay scale after more than three years and two months of completion of 10 years of continuous working, a daily wager, ad hoc or contractual employee shall be entitled to arrears for a period of three years and two months."*

6. The issue which has arisen for consideration in the present

set of appeals, necessitates a bird's eye view on the legal position declared by this Court, on the underlying ingredients, which govern the principle of 'equal pay for equal work'. It is also necessary for resolving the controversy, to determine the manner in which this Court has extended the benefit of "minimum of the regular pay-scale" alongwith dearness allowance, as revised from time to time, to temporary employees (engaged on daily-wage basis, as ad-hoc appointees, as employees engaged on casual basis, as contract appointees, and the like). For the aforesaid purpose, we shall, examine the above issue, in two stages. We shall first examine situations where the principle of 'equal pay for equal work' has been extended to employees engaged on regular basis. And thereafter, how the same has been applied with reference to different categories of temporary employees."

20. In the State of Punjab case (supra), the Hon'ble Apex Court has considered catena of judgments delivered by its Court in the past several decades and has considered the ratio laid down therein at length. For the sake of clarity, it would be apposite to reproduce paragraph No.43 to 46 as under :-

"43. We shall now venture to summarize the conclusions recorded by this Court, with reference to a claim of pay parity, raised by temporary employees (differently designated as work-charge, daily-wage, casual, ad- hoc, contractual, and the like), in the following two paragraphs.

44. We shall first outline the conclusions drawn in cases where a claim for pay parity, raised at the hands of the concerned temporary employees, was accepted by this Court, by applying the principle of 'equal pay for equal work', with reference to regular employees:-

(i) In the Dhirendra Chamoli case19 this Court examined a claim for pay parity raised by temporary employees, for wages equal to those being disbursed to regular employees. The prayer was accepted. The action of not paying the same wage, despite the work being the same, was considered as violative of Article 14 of the Constitution. It was held, that the action amounted to exploitation – in a welfare state committed to a socialist pattern of society.

(ii) In the Surinder Singh case20 this Court held, that the right of equal wages claimed by temporary employees emerged, inter alia, from Article 39 of the Constitution. The principle of 'equal pay for equal work' was again applied, where the subject employee had been appointed on temporary basis, and the reference employee was borne on the permanent establishment. The temporary employee was held entitled to wages drawn by an employee on the regular establishment. In this judgment, this Court also took note of the fact, that the above proposition was affirmed by a Constitution Bench of this Court, in the D.S. Nakara case2.

(iii) In the Bhagwan Dass case21 this Court recorded, that in a claim for equal wages, the duration for which an employee would remain (- or had remained) engaged, would not make any

difference. So also, the manner of selection and appointment would make no difference. And therefore, whether the selection was made on the basis of open competition or was limited to a cluster of villages, was considered inconsequential, insofar as the applicability of the principle is concerned. And likewise, whether the appointment was for a fixed limited duration (six months, or one year), or for an unlimited duration, was also considered inconsequential, insofar as the applicability of the principle of 'equal pay for equal work' is concerned. It was held, that the claim for equal wages would be sustainable, where an employee is required to discharge similar duties and responsibilities as regular employees, and the concerned employee possesses the qualifications prescribed for the post. In the above case, this Court rejected the contention advanced on behalf of the Government, that the plea of equal wages by the employees in question, was not sustainable because the concerned employees were engaged in a temporary scheme, and against posts which were sanctioned on a year to year basis.

(iv) In the Daily Rated Casual Labour Employed under P&T Department through Bhartiya Dak Tar Mazdoor Manch case22 this Court held, that under principle flowing from Article 38(2) of the Constitution, Government could not deny a temporary employee, at least the minimum wage being paid to an employee in the corresponding regular cadre, alongwith dearness allowance and additional dearness allowance, as well as, all the other benefits which were being extended to casual workers. It was also held, that the classification of workers (as unskilled, semi-skilled and skilled), doing the same work, into different

categories, for payment of wages at different rates, was not tenable. It was also held, that such an act of an employer, would amount to exploitation. And further that, the same would be arbitrary and discriminatory, and therefore, violative of Articles 14 and 16 of the Constitution.

(v) In State of Punjab v. Devinder Singh26 this Court held, that daily- wagers were entitled to be placed in the minimum of the pay-scale of regular employees, working against the same post. The above direction was issued after accepting, that the concerned employees, were doing the same work as regular incumbents holding the same post, by applying the principle of 'equal pay for equal work'.

(vi) In the Secretary, State of Karnataka case28, a Constitution Bench of this Court, set aside the judgment of the High Court, and directed that daily-wagers be paid salary equal to the lowest grade of salary and allowances being paid to regular employees. Importantly, in this case, this Court made a very important distinction between pay parity and regularization. It was held that the concept of equality would not be applicable to issues of absorption/regularization. But, the concept was held as applicable, and was indeed applied, to the issue of pay parity – if the work component was the same. The judgment rendered by the High Court, was modified by this Court, and the concerned daily-wage employees were directed to be paid wages, equal to the salary at the lowest grade of the concerned cadre.

(vii) In State of Haryana v. Charanjit Singh30, a three-Judge

bench of this Court held, that the decisions rendered by this Court in State of Haryana v. Jasmer Singh25, State of Haryana v. Tilak Raj27, the Orissa University of Agriculture & Technology case10, and Government of W.B. v. Tarun K. Roy11, laid down the correct law. Thereupon, this Court declared, that if the concerned daily-wage employees could establish, that they were performing equal work of equal quality, and all other relevant factors were fulfilled, a direction by a Court to pay such employees equal wages (from the date of filing the writ petition), would be justified.

(viii) In State of U.P. v. Putti Lal31, based on decisions in several cases (wherein the principle of 'equal pay for equal work' had been invoked), it was held, that a daily-wager discharging similar duties, as those engaged on regular basis, would be entitled to draw his wages at the minimum of the pay-scale (drawn by his counterpart, appointed on regular basis), but would not be entitled to any other allowances or increments.

(ix) In the Uttar Pradesh Land Development Corporation case33 this Court noticed, that the respondents were employed on contract basis, on a consolidated salary. But, because they were actually appointed to perform the work of the post of Assistant Engineer, this Court directed the employer to pay the respondents wages, in the minimum of the pay-scales ascribed for the post of Assistant Engineer.

45. We shall now attempt an analysis of the judgments, wherein this Court declined to grant the benefit of 'equal pay for equal work' to temporary employees, in a claim for pay parity with

regular employees:-

(i) In the Harbans Lal case23, daily-rate employees were denied the claimed benefit, under the principle of 'equal pay for equal work', because they could not establish, that the duties and responsibilities of the post(s) held by them, were similar/equivalent to those of the reference posts, under the State Government.

(ii) In the Grih Kalyan Kendra Workers' Union case6, ad-hoc employees engaged in the Kendras, were denied pay parity with regular employees working under the New Delhi Municipal Committee, or the Delhi Administration, or the Union of India, because of the finding returned in the report submitted by a former Chief Justice of India, that duties and responsibilities discharged by employees holding the reference posts, were not comparable with the posts held by members of the petitioner union.

(iii) In State of Haryana v. Tilak Raj27, this Court took a slightly different course, while determining a claim for pay parity, raised by daily- wagers (- the respondents). It was concluded, that daily-wagers held no post, and as such, could not be equated with regular employees who held regular posts. But herein also, no material was placed on record, to establish that the nature of duties performed by the daily-wagers, was comparable with those discharged by regular employees. Be that as it may, it was directed, that the State should prescribe minimum wages for such workers, and they should be paid accordingly.

(iv) In State of Punjab v. Surjit Singh32, this Court held, that for

the applicability of the principle of 'equal pay for equal work', the respondents who were daily-wagers, had to establish through strict pleadings and proof, that they were discharging similar duties and responsibilities, as were assigned to regular employees. Since they had not done so, the matter was remanded back to the High Court, for a re- determination on the above position. It is therefore obvious, that this Court had accepted, that where duties, responsibilities and functions were shown to be similar, the principle of 'equal pay for equal work' would be applicable, even to temporary employees (otherwise the order of remand, would be meaningless, and an exercise in futility).

(vi) It is, therefore apparent, that in all matters where this Court did not extend the benefit of 'equal pay for equal work' to temporary employees, it was because the employees could not establish, that they were rendering similar duties and responsibilities, as were being discharged by regular employees, holding corresponding posts.

46. We have consciously not referred to the judgment rendered by this Court in State of Haryana v. Jasmer Singh25 (by a two-Judge division bench), in the preceding two paragraphs. We are of the considered view, that the above judgment, needs to be examined and explained independently. Learned counsel representing the State government, had placed emphatic reliance on this judgment. Our analysis is recorded hereinafter:-

(i) In the above case, the respondents who were daily-wagers were claiming the same salary as was being paid to regular

employees. A series of reasons were recorded, to deny them pay parity under the principle of 'equal pay for equal work'. This Court expressed the view, that daily- wagers could not be treated at par with persons employed on regular basis, because they were not required to possess qualifications prescribed for appointment on regular basis. Daily-wagers, it was felt, were not selected in the same manner as regular employees, inasmuch as, a regular appointee had to compete in a process of open selection, and would be appointed, only if he fell within the zone of merit. It was also felt, that daily-wagers were not required to fulfill the prescribed requirement of age, at the time of their recruitment. And also because, regular employees were subject to disciplinary proceedings, whereas, daily-wagers were not. Daily-wagers, it was held, could also not be equated with regular employees, because regular employees were liable to be transferred anywhere within their cadre. This Court therefore held, that those employed on daily-wages, could not be equated with regular employees, and as such, were not entitled to pay parity, under the principle of 'equal pay for equal work'.

(ii) First and foremost, it is necessary to emphasise, that in the course of its consideration in State of Haryana v. Jasmer Singh25, this Court's attention had not been invited to the judgment in the Bhagwan Dass case21, wherein on some of the factors noticed above, a contrary view was expressed. In the said case, this Court had held, that in a claim for equal wages, the manner of selection for appointment would not make any difference. It will be relevant to notice, that for the posts under reference in the Bhagwan Dass case21, the selection of those

appointed on regular basis, had to be made through the Subordinate Selection Board, by way of open selection. Whereas, the selection of the petitioners as daily- wagers, was limited to candidates belonging to a cluster of villages, and was not through any specialized selection body/agency. Despite thereof, it was held, that the benefit under the principle of 'equal pay for equal work', could not be denied to the petitioners. The aforesaid conclusion was drawn on the ground, that as long as the petitioners were performing similar duties, as those engaged on regular basis (on corresponding posts) from the standpoint of the doctrine of 'equal pay for equal work', there could be no distinction on the subject of payment of wages.

(iii) Having noticed the conclusion drawn in State of Haryana v. Jasmer Singh25, it would be relevant to emphasise, that in the cited judgments (noticed in paragraph 26 onwards, upto paragraph 41), the employees concerned, could not have been granted the benefit of the principle of 'equal pay for equal work' (in such of the cases, where it was so granted), because temporary employees (daily-wage employees, in the said case) are never ever selected through a process of open selection, by a specialized selection body/agency. We would therefore be obliged to follow the large number of cases where pay parity was granted, rather than, the instant singular judgment recording a divergent view.

(iv) Temporary employees (irrespective of their nomenclature) are also never governed by any rules of disciplinary action. As a matter of fact, a daily-wager is engaged only for a day, and his

services can be dispensed with at the end of the day for which he is engaged. Rules of disciplinary action, are therefore to the advantage of regular employees, and the absence of their applicability, is to the disadvantage of temporary employees, even though the judgment in State of Haryana v. Jasmer Singh25, seems to project otherwise.

(v) Even the issue of transferability of regular employees referred to in State of Haryana v. Jasmer Singh25, in our view, has not been examined closely. Inasmuch as, temporary employees can be directed to work anywhere, within or outside their cadre, and they have no choice but to accept. This is again, a further disadvantage suffered by temporary employees, yet the judgment projects as if it is to their advantage.

(vi) It is also necessary to appreciate, that in all temporary appointments (- work-charge, daily-wage, casual, ad-hoc, contractual, and the like), the distinguishing features referred to in State of Haryana v. Jasmer Singh25, are inevitable, yet in all the judgments referred to above (rendered before and after, the judgment in the State of Haryana v. Jasmer Singh25), the proposition recorded in the instant judgment, was never endorsed.

(vii) It is not the case of the appellants, that the respondent-employees do not possess the minimum qualifications required to be possessed for regular appointment. And therefore, this proposition would not be applicable to the facts of the cases in hand.

(viii) Another reason for us in passing by, the judgment in State

of Haryana v. Jasmer Singh25 is, that the bench deciding the matter had in mind, that daily-wagers in the State of Haryana, were entitled to regularization on completion of 3/5 years of service, and therefore, all the concerned employees, would in any case be entitled to wages in the regular pay-scale, after a little while. This factual position was noticed in the judgment itself.

(ix) It is not necessary for us to refer the matter for adjudication to a larger bench, because the judgment in State of Haryana v. Jasmer Singh25, is irreconcilable and inconsistent with a large number of judgments, some of which are by larger benches, where the benefit of the principle in question was extended to temporary employees (including daily-wagers).

(x) For all the above reasons, we are of the view that the claim of the appellants cannot be considered, on the basis of the judgment in State of Haryana v. Jasmer Singh25."

21. In conclusion, while dealing with the claim of the temporary employees, the Hon'ble Apex Court has ruled in paragraph Nos. 53 to 58 as under :-

"53. We shall now deal with the claim of temporary employees before this Court.

54. There is no room for any doubt, that the principle of 'equal pay for equal work' has emerged from an interpretation of different provisions of the Constitution. The principle has been expounded through a large number of judgments rendered by

this Court, and constitutes law declared by this Court. The same is binding on all the courts in India, under Article 141 of the Constitution of India. The parameters of the principle, have been summarized by us in paragraph 42 hereinabove. The principle of 'equal pay for equal work' has also been extended to temporary employees (differently described as work-charge, daily-wage, casual, ad-hoc, contractual, and the like). The legal position, relating to temporary employees, has been summarized by us, in paragraph 44 hereinabove. The above legal position which has been repeatedly declared, is being reiterated by us, yet again.

55. 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. Any one, 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 dependents 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.

56. We would also like to extract herein Article 7, of the International Covenant on Economic, Social and Cultural Rights,

1966. The same is reproduced below:-

"Article 7 The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays." India is a signatory to the above covenant, having ratified the same on 10.4.1979. There is no escape from the above obligation, in view of different provisions of the Constitution referred to above, and in view of the law declared by this Court under Article 141 of the Constitution of India, the principle of 'equal pay for equal work' constitutes a clear and

unambiguous right and is vested in every employee – whether engaged on regular or temporary basis.

57. 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 concerned employees (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' summarized by us in paragraph 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 concerned temporary employees were being randomly deputed to discharge duties and responsibilities, which at some point in time, were assigned to regular employees. Likewise, regular employees holding substantive posts, were also posted to discharge the same work, which was assigned to 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 summarized by us in paragraph 42 hereinabove. There can be no doubt, that the principle of 'equal pay for equal work' would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post.

58. In view of the position expressed by us in the foregoing paragraph, we have no hesitation in holding, that all the concerned temporary employees, 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."

22. In the light of the law as is laid down by the Hon'ble Apex Court, it needs to be scrutinized as to whether a declaration of ULP under Item 6 of Schedule IV of the State Act could have been made against the Corporation. This Court has consistently held that when posts are not available and cannot be created by a State Instrumentality, it cannot be held guilty of depriving benefits of

permanency under Item 6 of Schedule IV.

23. Item 6 of Schedule IV reads as under :-

> *"To employ employee as "badlis", casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent employees."*

24. In these group of cases, it has come on record through the witness of the Corporation that several posts of drivers have been filled in earlier. About 174 vehicles are being regularly used by the Corporation and 68 sanctioned posts have been filled in. Thereafter, since a fresh advertisement was published on 04/08/2011 and fresh hands were appointed under the orders of this Court, it is obvious that these pending claims of the litigating drivers were not brought to the knowledge of this Court which ordered on 10/07/2013 that the enlisted candidates from the reserved category be appointed. These litigating drivers thus lost an opportunity. Even for the present, 48 posts are said to be vacant and no steps have been taken by the Corporation to seek sanction for regularizing these litigating drivers based on their seniority. In the backdrop of these set of facts, I find that the Industrial Court has rightly concluded that this Corporation is guilty of unfair labour practices under Item 6 of Schedule IV.

25. In so far as the direction in clause (3) of the impugned order is concerned, I do not find existence of any legal impediment for depriving these litigating drivers of regularization on the available 48 posts based on their seniority. The direction in clause (3) will therefore have to be modified.

26. In the light of the above, all the writ petitions filed by the Corporation bearing Nos.12428/2016, 12429/2016, 12430/2016, 12431/2016, 12432/2016, 12433/2016, 12434/2016, 12435/2016, 12436/2016, 12437/2016, 12438/2016, 12439/2016, 12440/2016, 12441/2016, 12442/2016, 12433/2016, 12444/2016, 12445/2016, 12446/2016, 12447/2016, 12448/2016, 12449/2016, 12450/2016, 12451/2016, 12452/2016, 12453/2016, 12454/2016, 12455/2016, 12456/2016, 12457/2016, 12458/2016, 12459/2016, 12460/2016, 12461/2016, 12462/2016, 12463/2016, 12464/2016, 12465/2016, 12466/2016, 12467/2016, 12468/2016, 12469/2016, 12470/2016, 12471/2016, 12472/2016, 12473/2016, 12474/2016, 12475/2016, 12476/2016, 12477/2016, 12478/2016, 12479/2016, 12480/2016, 12481/2016, 12482/2016, 12483/2016, 12484/2016, 12485/2016, 12486/2016, 12487/2016, 12488/2016, 12489/2016, 12490/2016, 12491/2016, 12492/2016. 12493/2016, 12494/2016, 12495/2016, 12496/2016, 12497/2016, 12498/2016, 12499/2016, 12500/2016,

12501/2016, 12502/2016, 12503/2016, 12504/2016, 12505/2016, 12506/2016, 12507/2016, 12508/2016 stand dismissed. Rule is discharged.

27. The writ petitions filed by the litigating drivers bearing Writ Petition Nos.12153/2016, 11342/2016, 11343/2016, 11344/2016, 11345/2016, 11346/2016, 11347/2016, 11348/2016, 11349/2016, 11350/2016, 11351/2016, 11352/2016, 11353/2016, 11354/2016, 11355/2016, 11500/2016, 11514/2016, 11515/2016, 12163/2016, 12195/2016 are partly allowed by modifying clause (3) of the impugned order as under :-

[a] The Corporation shall regularize the services of these litigating drivers based on their seniority as set out in Exhibit X in so far as the 48 posts are concerned.

[b] The above regularization shall be from the dates on which each of these posts has fallen vacant and that shall be the deemed date of regularization of these drivers, who would then be entitled to all consequential monetary benefits from that deemed date.

[c] In so far as the remaining litigating drivers are concerned as well as those drivers, if any, who are not before the Court, the Corporation shall forward a complete proposal of all such drivers to the Urban Development Department, State of Maharashtra within a period of 12 weeks from today for seeking creation of posts, if none are available and for grant of

regularization as per their seniority.

[d] The proposals received by the concerned Department of the State Government shall be dealt with within a period of 1`6 weeks thereafter.

[e] Until these litigating drivers are not regularized, the Corporation shall be precluded from engaging fresh hands on vacant posts of Drivers.

[f] All these drivers on daily wages would be entitled for parity in pay scale on the basis of the minimum pay scale prescribed by the Pay Commissions considering the 6th and the 7th Pay Commission, if applicable or at par with the basic pay scale payable to the regular comparable drivers, keeping in view the conclusions of the Hon'ble Apex Court in the State of Punjab Case (supra)

[g] In the event of any grievance of these drivers as regards shortfall in payment, they are at liberty to voice their grievance before the appropriate forum for recovery of the said amount.

28. Any backlog if existing or if created due to the regularization of these drivers, shall be cleared by the Corporation while making further appointments in future.

29. Rule is made partly absolute in WP Nos. 12153/2016, 11342/2016, 11343/2016, 11344/2016, 11345/2016, 11346/2016, 11347/2016, 11348/2016, 11349/2016, 11350/2016, 11351/2016, 11352/2016, 11353/2016, 11354/2016, 11355/2016, 11500/2016,

(RAVINDRA V. GHUGE, J.)