

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11655 OF 2015

Rajendra s/o Yadavrao Dalvi and 84 others ...Petitioners

versus

The State of Maharashtra and others ...Respondents

.....
Mr. A. N. Nagargoje, advocate for the petitioners
Mr. S. B. Pulkundwar, AGP for respondent Nos. 1 and 2
Mr. K. J. Suryawanshi, advocate for respondent No. 3
Mr. S. S. Shinde, advocate for respondent No. 5
Mr. Deelip Bankar Patil, advocate for respondent No. 6
Mr. A. I. Deshmukh, advocate for respondent No. 7
.....

WITH
WRIT PETITION NO. 11685 OF 2015

Ram pandurang Sawant and 52 others ...Petitioners

versus

The State of Maharashtra and others ...Respondents

.....
Mr. A. N. Nagargoje, advocate for the petitioners
Mr. S. B. Pulkundwar, AGP for respondent Nos. 1 and 2
Mr. K. J. Suryawanshi, advocate for respondent No. 3
Mr. Deelip Bankar Patil, advocate for respondent No. 4
.....

WITH
WRIT PETITION NO. 12440 OF 2015

Sudhakar Barku Chaudhari and others ...Petitioners

versus

The State of Maharashtra and others ...Respondents

.....
Mr. A.N. Nagargoje, advocate for the petitioners.
Mr. S.B. Pulkundwar, A.G.P. for respondent-State
Mr. K.J. Suryawanshi, advocate for respondent No.3

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**CORAM : S. S. SHINDE AND
V. K. JADHAV, JJ.**

DATED: 22nd APRIL, 2016

P.C. :-

1. By consent of the parties, heard finally at admission stage.
2. In all these petitions, an identical issue is involved and therefor, all these three writ petitions are being decided by this common order.
3. By the instant writ petitions the petitioners are challenging the circular/letter dated 31.10.2015 issued by respondent No.2- Commissioner of Co-operation and Registrar, Co-operative Societies, Maharashtra State, Pune, which contemplates termination of petitioners' services.
4. Brief facts, giving rise to the present petitions are as under:-
 - a) The petitioners have been appointed in their respective District Rural Development Banks after following due procedure of law and since their appointments, they are working in respective banks. However, Liquidation proceedings of said banks came to be initiated and interim order of appointing liquidator was passed by taking

recourse to the provisions of Section 102 of the Maharashtra Co-operative Societies Act, 1960. The said action was challenged before this Court by filing several writ petitions and the said writ petitions are pending.

b) By issuing Government Resolution dated 24.7.2015, the State Government took a decision to liquidate all District Rural Development Banks and to terminate the services of the employees working in the said banks. However, it was decided that before terminating the services of said employees, compensation and other benefits will be paid to them in accordance with law and as per the Voluntary Retirement Scheme (VRS). However, by issuing circular dated 31.10.2015, the liquidators/administrators of the concerned District Rural Development Banks have been directed to terminate the services of employees including the petitioners, which is contrary to the provisions of Government Resolution dated 24.7.2015. Hence, these writ petitions.

5. Learned counsel for the petitioners in all these petitions submits that said circular dated 31.10.2015 is contrary to the provisions of Government Resolution dated 24.7.2015. Apart from the fact that respondent No.2 has no authority to issue such circular, which is contrary to the Government Resolution dated 24.7.2015, the

liquidation proceedings in respect of the banks have been stayed by the Court, and in view of the same, the petitioners' services cannot be terminated in such a manner and that too, without following due procedure of law. Learned counsel submits that some of the employees have approached this Court (Nagpur Bench) by filing writ petition No. 6401 of 2015 and other connected writ petitions and this Court, by order dated 21.3.2016 has observed that the inconsistency in the communication dated 31.10.2015 and Government Resolution dated 24.7.2015 is apparent and the Commissioner could not have directed termination of staff, if State Government has already made some arrangement by way of issuing Government Resolution dated 24.7.2015.

6. Learned A.G.P. appearing for respondent Nos. 1 and 2 submits that financial condition of District Rural Banks in the State is critical. There is low loan recovery from the borrowers and in absence of any other income source, said banks have no funds to pay regular salary to its employees and meet regular administrative expenses. Thus, considering the deteriorating condition of the said banks, the policy decision has been taken for extending benefits of V.R.S. through Government Resolution dated 24.7.2015 for the benefit of employees of Rural Banks. Learned A.G.P. submits that communication dated 31.10.2015 is issued for effective

implementation of the said Government Resolution dated 24.7.2015 and the object envisaged in Government resolution dated 24.7.2015 has not been molded, changed or modified in any way. Learned A.G.P. further submits that all the petitioners are entitled for the benefits being extended by the said Government Resolution dated 24.7.2015, however, by efflux of time, some of the employees would not be entitled to get benefits of employment if they have crossed age limit of 50 years. Learned A.G.P. submits that in view of the above mentioned facts and circumstances, writ petitions do not deserve any consideration and the same are liable to be dismissed.

7. We have also heard learned counsel appearing for other respondents. The learned counsel for other respondents adopt the arguments advanced by learned A.G.P.

8. It appears from the order passed in writ petition No. 6401 of 2015 and other connected writ petitions that the Division Bench of this Court (Nagpur Bench) has referred clause "C" of the Government Resolution dated 24.7.2015 and observed that inconsistency in the communication dated 31.10.2015 and G.R. dated 24.7.2015 is apparent. The Division Bench has further observed that the Commissioner could not have directed termination of staff if State Government has already made some arrangement. Accordingly, the

Division Bench has directed the respondents to continue such of the petitioners as were in the employment on 24.7.2015 and to deal with their services, as stipulated in G.R. dated 24.7.2015. The Division Bench has further observed that the course is open to the respondents to take appropriate policy decision in this respect or to modify the policy decision already taken, in accordance with law.

9. In the light of above, we also adopt the same view as is taken by the Division Bench of this Court (Nagpur Bench) in writ petition No. 6401 of 2015 and other connected writ petitions and dispose of these writ petitions by passing the following order:

O R D E R

- I. The respondents are hereby directed to continue the services of the petitioners as were in the employment on 24.7.2015 and to deal with their services, as stipulated therein.
- II. It is open to the respondents to take appropriate policy decision in this respect or to modify the policy decision already taken, in accordance with law.
- III. Writ petitions are accordingly disposed of.

(V. K. JADHAV, J.)

(S. S. SHINDE, J.)