

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2679 OF 2016
IN
WRIT PETITION NO.2553 OF 2013**

Raju Ramesh Pawar : Applicant/Respondent No.1.

In the matter of

**Raigad Zilla Parishad
At Alibag, Tal. Alibag Dist. Raigad & anr. : Petitioners
versus
Raju Ramesh Pawar and anr. : Respondents.**

**ALONG WITH
CIVIL APPLICATION NO.2681 OF 2016
IN
WRIT PETITION NO.2555 OF 2013**

Satish Bhanudas Jagtap : Applicant/Respondent No.1.

In the matter of

**Raigad Zilla Parishad
At Alibag, Tal. Alibag Dist. Raigad & anr. : Petitioners
versus
Satish Bhanudas Jagtap and anr. : Respondents.**

**ALONG WITH
CIVIL APPLICATION NO.2684 OF 2016
IN
WRIT PETITION NO.2557 OF 2013**

Smita Prabhakar Mhatre : Applicant/Respondent No.1.

In the matter of

**Raigad Zilla Parishad
At Alibag, Tal. Alibag Dist. Raigad & anr. : Petitioners
versus
Smita Prabhakar Mhatre : Respondents.**

Mr. U B Nighot for the Applicant-Original Respondent No.1 in all the Applications.

Mr. C G Ghavnekar for the Original Petitioner in all the Applications.

CORAM : R. M. SAVANT, J.

DATE : 21st October 2016

P.C.

1 The above Civil Applications have been filed in the above Writ Petitions seeking the following relief :-

(a) The Petitioners in above Writ Petition be directed to pay to the Applicant – Original Respondent No.1 the regular salary due and payable by giving annual increments allowances and promotion and be further pleased to direct them to give the difference in salary from July 2011.

(b) In the alternative if the Respondents are not ready to pay the salary for the work to the Applicant as per order dated 9.4.2013 be pleased to dismiss above writ petition by vacating the Rule issued in Writ Petition No.2553/2013.”

2 The Applicants are the original Respondents in the above Writ Petitions and are all identically situated. The Respondent in the above Civil Applications is the Zilla Parishad, Raigad who by the above Writ Petitions has challenged the judgment and order dated 15/01/2013 passed by the learned Member, Industrial Court, Thane by which order the Complaints in question filed by the original Respondents/Applicants came to be partly allowed and a direction was issued that the Complainants be allowed to continue to work on

the posts and the Applicants/Respondents were further directed to grant regularization to the Complainants on the posts that they have been working.

3 It is required to be noted that the Complainants are working as Assistants to the Civil Engineer in the Zilla Parishad. It seems that 20 posts of Assistants to the Civil Engineer were advertised by the Zilla Parishad to be filled up from the open market in the year 2009. Pursuant to the said selection process, it appears that, the District Selection Committee, which is headed by the Collector of the District, recommended 14 names for 14 posts and that 4 persons were kept on the waiting list amongst whom were the Applicants above named. In view of the fact that one of the selected candidate out of the 14 did not join service, one candidate on the waiting list was issued an appointment letter, the Applicants above named however continued to remain on the waiting list. It seems that the then Chief Executive Officer of the Zilla Parishad issued appointment letters to the Applicants who were on the waiting list. The said appointment letters were without there being any decision taken to fill up the additional posts by appointing the candidates on the waiting list. The Applicants filed the Complaints in question apprehending their termination. As indicated above the said Complaints came to be allowed and resultantly the directions came to be issued which have been adverted to in the earlier part of this order.

4 The original Petitioner Zilla Parishad challenged the said judgment and order passed by the learned Member of the Industrial Court. The above Petitions came to be admitted by a learned Single Judge of this Court on 09/04/2013 and the Zilla Parishad was directed that since the Applicants were already working pursuant to appointment letters dated 07/12/2009 issued by the Chief Executive Officer, their services may not be discontinued pending the hearing and final disposal of the Writ Petitions.

5 The Applicants have now claimed the reliefs vide prayers clauses which have been adverted to herein above. The appointments of the Applicants and their continuation is in contention in the above Writ Petitions. The said issue would have to be undoubtedly be addressed on the touchstone of the law applicable to the public employment as laid down by the Apex Court in the judgment reported in **AIR 2006 SC 1806** in the matter of **Secretary, State of Karnataka and others v/s. Umadevi and others**. Hence the reliefs sought by the Applicants by way of the above Civil Applications cannot be acceded to at this stage. Needless to state that if the Zilla Parishad, Raigad fails in the above Writ Petitions, then the Applicants would be entitled to all the consequential benefits including promotion, increments etc.

6 In that view of the matter, no reliefs can be granted to the Applicants in the above Civil Applications. The above Civil Applications are

accordingly rejected. Liberty to the Appellant to apply for final hearing of the above Petitions in January 2017.

[R.M.SAVANT, J]