

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 2237 OF 2015

Shahid Bhagatsing Jalgaon
Mahanagarpalika Karmachari
Sanghatana and anr. ...Petitioners

VERSUS

The State of Maharashtra
and others ...Respondents

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Shri Subodh Shah, advocate h/f
Shri Girish Nagori, advocate for the petitioner
Shri Y.G.Gujrati, A.G.P. for respondent no.1
Shri Shrikant S. Patil, advocate for respondent
no.2

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 25th JANUARY, 2017

O R D E R :

We have heard Shri Shah, learned counsel for the petitioners and Shri Patil, learned counsel for respondent/Corporation. The petitioners claim regularization of service. The learned counsel for the parties refer to the order passed by the learned Single Judge of this Court in Bunch of Writ Petitions bearing No. 12153 of 2016 with other group Writ Petitions. Under

order, dated 16.12.2016 the learned Single Judge of this Court has issued following directions.

"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 Corporation 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 16 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. "

2. It is submitted that the petitioners in these Writ Petitions are also similarly situated as the petitioners in Writ Petition before the learned Single Judge, in which the afore said directions are issued, would be governed by the

said order, more particularly clause (c) of para 27 of the said order. It is submitted that some of the petitioners have retired during the pendency of the Writ Petitions. The Corporation shall consider their names also as per the seniority list that would be maintained by the Corporation.

3. With these observations, the Writ Petition stands disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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