

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

45 WRIT PETITION NO. 3798 OF 2014

**SACHIN TIMMA CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. S. B. Talekar, Advocate for the petitioner,
Mr. P. S. Patil, Addl. GP for Respondents 1 to 5
Mr. P. R. Tandale, Advocate for respondents 12 and 17
Mr. Vivek Lomte, Advocate for respondents 11 and 16
Mr. P. P. More, Advocate for respondents 13 and 18

**CORAM : S. V. GANGAPURWALA
&**

K. L. WADANE, JJ.

DATE : 23rd January, 2017

ORDER:

1. The petitioners herein were appointed as Computer Programmer/In-charge officers on the establishments of District Rural Development Agency in Maharashtra. Their services subsequently came to be terminated. Hence this petition.

2. Mr. Talekar, the learned counsel for the petitioners strenuously contends that the petitioners were appointed for census work. The Government of Maharashtra has decided to conduct Socio, Economic and Caste survey in two stages under the directions of Rural Development

Department and it was decided to create a separate Desk under which posts of Deputy Director, Principal Administration, Deputy CEO (Rural Development), Computer Programmers etc. at charge level and district level were created. The Government decided to fill in all these posts either by deputation or on contract basis for a period of 6 months. The same is evident as per the Government Resolution dated 22.09.2011 issued by Deputy Secretary, Rural Development and Water Conservation Department. The applications were invited to fill in the post of computer programmer in each district to conduct Socio, economic and caste survey. The Petitioners had applied pursuant to the same. Examination was conducted written as well as oral and upon undergoing selection process, the petitioners were selected. Thereafter, the petitioners were appointed as computer programmers on contract basis initially for a period of 6 months on consolidated salary of Rs.15000/- p.m. and subsequently they were continued from time to time. The General Administration Department, Maharashtra was seriously considering of absorbing

the petitioners or regularizing their services. The same is evident from the correspondence seeking details from the Divisional Commissioner, Aurangabad as well as the Project Officer.

3. The learned counsel further submits that the said work would be continuous and it will require much more time for completion. The Government did not grant extension to the Computer Programmers at charge level. Subsequently, the services of the Computer Programmers at State level and district level are continued, however, computer programmer at charge level are discontinued. The work of survey is incomplete.

4. The learned counsel further submits that, the Government has adopted a policy to absorb or regularize the services of the employees who had worked during the strike period, nominees of the freedom fighters and the persons who have worked under the census survey, without asking them to compete with others. The Government had decided to grant exemption from process of selection and relaxation in upper age limit. The same is evident

from the Government Resolutions 04/03/1982 and 27/05/1998. The petitioner had preferred several representations but to no effect. The Learned counsel states that the petitioners herein have worked for more than 3 years. The work is incomplete. Considering the policy of the Government which was adopted from time to time, the petitioners need to be continued in service and regularized.

5. The learned AGP submits that petitioners were appointed under the scheme as per the Government Resolution dated 22.09.2011. Condition Nos. 4 and 5 of the Government Resolution are abundantly clear. It specifically states that the petitioners' appointment is temporary under the said scheme and the petitioners would not be entitled for regularization of their services. The learned AGP further submits that the petitioners were required to execute bond of Rs.100 if they are selected. The petitioners have executed the said bond. The appointment order specifically mentions that they are appointed temporary and they cannot claim regularization.

6. Mr. Tandale, Mr. Lomte, Mr. More the learned counsel adopt the arguments of the AGP.

7. We have considered the submissions. The petitioners were appointed pursuant to the Government Resolution dated 22/09/2011. The petitioners were appointed for a particular purpose and for a particular project i.e. for conducting Socio, Economic and Caste survey. The Government Resolution pursuant to which the said selection process was undertaken itself states that the appointment of such persons would be temporary and they would not be entitled for regularization. They are initially given appointment for 6 months, subsequently were continued. It appears that they are continued only up to February 2014 and on 28.02.2014 the Government issued Circular thereby informing that the posts of Computer Programmer under District cell are discontinued. It would be apparent that petitioners would be governed by terms and conditions of their employment. The past policy of the Government may not enure to the benefit of the petitioners. The petitioners would be governed by the policy pursuant to which they

are appointed and the terms and conditions of the said policy under the Government Resolution dated 22.09.2011 are abundantly clear. Even the terms of their appointment orders are also explicitly clear.

8. In view of the above this court cannot come to the aid of the petitioners in granting them regularization. It is another thing, if the Government on its own considers the request of the petitioners. The petitioner may approach the Government in that regard. However, this Court, in view of the Government Resolution dated 22.09.2011 and the terms of the appointment order would not come to the aid of the petitioner. Writ Petition accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC