

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

WRIT PETITION NO. 9175 OF 2016

1. Bipin Chhaburao Patole
Age: 38 years, Occu.: Service,
R/o Subedari Guest House, Quarter No.26,
Delhi Gate, Aurangabad.
2. Feroz Khan Nawab Khan Pathan
Age: 34 years, Occu.: Service,
R/o Plot No. 75, Chaush Colony,
Himayat Bag, Aurangabad.
At present R/o Chaus Colony,
Himayat Bag, Aurangabad.
3. Deepak Shviaji Magare
Age: 41 years, Occu.: Service,
R/o N-11, F-15/13, Navjeevan Colony,
HUDCO, Aurangabad.
4. Shaikh Shahed Shaikh Ismail
Age: 41 years, Occu.: Service,
R/o Plot/H. No. 2-12-33, Delhi Gate,
Himayat Bag, Aurangabad.
5. Nitin Chhaburao Patole
Age: 44 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
6. Latif Shah Shabbir Shah
Age: 49 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
7. Shaikh Abdul Aziz Shaikh Abdul Gani
Age: 44 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.

8. Chandrkant Rambhau Dabhade
Age: 47 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
9. Shaikh Nisar Shaikh Papamiyan
Age: 44 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
10. William Ratan Lalzare
Age: 37 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
11. Dilip Prabhakar Sutar
Age: 37 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
12. Khalil Khan Mahmood Khan
Age: 38 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
13. Sanjay Murlidhar Sathe
Age: 41 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
14. Dinesh Shivaji Magare
Age: 41 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
15. Raju Uttam Wagh
Age: 37 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
16. Kishor Dattu Gawai
Age: 38 years, Occu.: Service,

R/o Subedari Guest House Quarters,
Aurangabad.

17. Sanjay Ukhaji Dudhe
Age: 36 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
18. Shaikh Zakir Shaikh Yusuf
Age: 40 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
19. Shaikh Irfan Shaikh Raheem
Age: 36 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.
20. Smt. Aruna Ramdas Raut
Age: 43 years, Occu.: Service,
R/o Subedari Guest House Quarters,
Aurangabad.

..PETITIONERS

VERSUS

1. State of Maharashtra
Through the Secretary,
Public Works Department,
Mantralaya, Mumbai – 32.
2. The Superintendent Engineer
Public Works Department,
Bandkam Bhavan
District Court Premises,
Adalat Road, Aurangabad.
3. The Executive Engineer
Public Works Department,
Padampura, Opp. Divekar Auto Garage,
Aurangabad.

4. Kishor Dashrath Wagh
Age: 40 years, Occu.: Service,
R/o Misarwadi, MIDC Area, Aurangabad.

..RESPONDENTS

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Mr. V.P. Latange, Advocate for petitioners.

Mr. S.P. Deshmukh, A.G.P. for Respondent Nos. 1 to 3.

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CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st JULY, 2017

ORAL JUDGMENT :

1. This petition was admitted by order dated 09th March, 2017 and interim relief was refused. The petitioners tender a Government Resolution dated 24th April, 2001 contending that it covers the case of the petitioners. The contention is that by the said Government Resolution, the Public Works Department, Irrigation Department, Rural Development Department and Water Conservation Department – the competent department would consider the claims of the daily wagers as like the petitioners. If the proposals of the petitioners are forwarded by Respondent Nos. 2 and 3 to Respondent No.1, they could consider these proposals in the light of the Government Resolution and pass appropriate orders.

2. The A.G.P. submits that as the Government Resolution indicates that the proposals of 11,632 daily wagers was being considered, the proposals of these petitioners could also be considered strictly in accordance with the

modalities and the terms of the Government Resolution. The respondents are not extending any assurance to the petitioners.

3. The learned Counsel for the petitioners submits that if their proposals get rejected, they may assail the rejection only to the extent of the reasons for the rejection. He therefore submits that the petition can be disposed of.

4. In the light of the above, this petition is disposed off. Respondent Nos. 2 and 3 shall prepare a proposal of the petitioners as well as any other temporary worker similarly situated, within a period of eight weeks from today and forward the same to Respondent No.1 for consideration as per the Government Resolution dated 24th April, 2001.

5. The Respondent No.1 or the competent department shall then decide the said proposal within a period of four months, shall pass a reasoned order accepting or rejecting the proposal and communicate the same to the petitioner. The petitioners submit the following address for correspondence and communication:-

“Plot No.75, Chaush Colony,
Himayat Bag, Aurngabad.”

6. Needless to state, if Respondent No.1 or the competent department rejects the proposal of the petitioners, same shall be by assigning reasons and shall be communicated forthwith to the petitioners on the above address.

7. Dismissal of this petition, observations of this Court in the order dated 09th March, 2017 and the judgment of the Industrial Court dated 07th August, 2014 dismissing Complaint ULP No. 107 of 2008, shall not be an impediment.

8. If the proposal is rejected, the petitioners would be at liberty to raise a challenge only to the extent of the reasons for rejection. Rule is discharged.

(RAVINDRA V GHUGE, J.)

SSD