

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 2599 OF 2017
IN
WRIT PETITION NO. 2046 OF 2010 (D).
 (SACHIN AMBADAS DAWALE & OTH..VS..STATE OF MAH. & ANR)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri L.M.Achaliya, Senior Advocate a/b. Shri S.D.Borkute, Advocate for
 Applicants/Petitioners.
 Shri V.P.Maldhure, A.G.P. for Respondent Nos. 1 and 2.

CORAM : B.R.GAVAI AND Z.A.HAQ, JJ.
DATED : NOVEMBER 21, 2017.

The applicants have approached this Court for clarification of the judgment and order dated 19th October, 2013, so also clarificatory order dated 27th April, 2017. According to the learned judges of the Division Bench as could be seen from the order dated 7th November, 2017 there are inconsistent observations in the order dated 27th April, 2017.

2. We do not find that there are inconsistencies in the order dated 27th April, 2017, so also in the order dated 19th October, 2013.

3. If the original judgment and order dated 19th October, 2013 is read, it will be clear that only such employees who were in continuous employment as on 15th October, 2013 are only entitled to be continued in service as regular employees. In the order dated 27th April, 2017 we have further clarified the position that only petitioners who were in continuous employment till 15th October, 2013 will be

entitled to be continued in service as regular employees. We have further clarified that the case which fell for consideration before us was the case of regularisation of the employees who were already in service. We have further observed that we were not considering the cases of the persons who were already out of employment and that there was no question of reinstatement.

4. If both, judgment and order dated 19th October, 2013 so also clarificatory order dated 27th April, 2017 are read together the position is very clear that **only such of the employees who were in continuous employment as on 15th October, 2013 are entitled to the protection granted by us.**

In view of above, the application is **disposed of**.
No costs.

JUDGE

JUDGE