

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

WRIT PETITION NO. 12584 OF 2017

**CHIEF OFFICER SHRIGONDA MUNICIPAL COUNCIL
AHMEDNAGAR**

VERSUS

RAOSAHEB TUKARAM JADHAV AND OTHERS

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Advocate for the Petitioner : Shri P. N. Khedkar

Advocate for Respondent No.1 : Shri A. S. Shelke

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 3rd AUGUST, 2018.

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PER COURT :

1. I have heard the learned Advocates for the respective sides.
2. In identical set of facts concerning the same petitioner Municipal Council, this Court has delivered the judgment on 14/02/2017 in the Writ Petition No. 5419/2004.
3. It is, therefore, submitted by the learned Advocates that this petition can be disposed off for the same reasons set out in the judgment dated 14/02/2017 and by issuing the same directions.

4. As such, this petition is partly allowed with the following directions :-

[a] The declaration of ULP under Item 6 and 9 of Schedule IV made by the Industrial Court, shall stand quashed and set aside.

[b] The petitioner shall prepare a composite proposal of all such employees inclusive of the present respondent No.1 mentioned in clause 3 of the impugned order and submit the said proposal to the Directorate of Municipal Administration/Secretary, Department of Urban Development, State of Maharashtra within a period of 8 (eight) weeks from today.

[c] The abovesaid proposal shall include all such workmen who are on daily wages and are similarly situated as like the present respondent No.1 mentioned in clause 3 of the operative part of the order alongwith their exact dates of joining, their area of work and their seniority.

[d] The competent authority i.e. the Directorate/Secretary, Department of Urban Development, shall decide the said proposals

within 12 (twelve) weeks from its receipt and shall accordingly, direct the absorption of workers strictly by their seniority on available vacant posts by granting deemed dates of regularization with consequential benefits from the date the posts have fallen vacant.

[e] In the event of there being a shortfall in the permanent posts, the competent authority shall consider the possibility of creation of such posts and shall accordingly absorb the daily wagers set out in the proposal by their seniority.

[f] Since the present respondent involved in this case is in employment, the petitioner shall not dispense with his service merely on the ground that he is a daily wager. Until his proposal is decided, he would be continued on the same conditions on which he is working as on date. This protection shall not be applicable to cases of disciplinary action.

(RAVINDRA V. GHUGE, J.)