

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7873 OF 2017

(The State of Maharashtra and others Vs. Savaliram s/o Sahebrao
Tejinkar and others)

IN

WRIT PETITION NO.4313 OF 2001

WITH

CONTEMPT PETITION NO.400 OF 2017

Mr.N.T.Bhagat, AGP for applicant/State.

Mr.R.S.Deshmukh, Advocate for respondent No.1.

Mr.R.C.Patil, Advocate for respondent Nos. 2 and 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 14/12/2018

PER COURT :

1. I have heard the learned Advocates for the respective sides. The applicant/State is apprehensive about the observations of this Court in paragraph No.10 of the judgment dated 25/10/2016 and more so because they are facing Contempt Petition No.400/2017. Apprehension voiced is that the Contempt Petitioners demand that they should be regularized in service and the respondents/officials are fearing contempt orders and hence have moved this application on the ground that none of the workers at issue were in employment from 1996 onwards.

2. Learned Advocate for the employees opposes this application and contends that the State Authorities have to consider their cases on the basis of the work that they have performed. These workers are not claiming back wages. Their only expectation is that they should be considered alongwith similarly situated and comparable employees, on the principle of parity.

3. I find from paragraph No.10 of my order that the writ petition filed by the workers was disposed of by directing these applicants/ State Authorities to apply the principle of parity and consider the cases of these employees. It, therefore, means that the State Authorities will have to find out as to who are such employees whose services can be compared with the workers at issue and by applying the principle of parity, all will be treated equally.

4. With the above observations, this civil application stands disposed of. The State Authorities would decide the cases of these workers in view of the above observations within 12 (twelve) weeks from today.

5. In view of the above directions, the learned Advocate for the workers graciously submit that the workers are concerned with an

expeditious decision of the State and their interest does not lie in pursuing contempt proceedings. Hence, contempt proceedings are being withdrawn. As such, the CP No.400/2017 stands disposed of by striking a note of caution that the State Authorities would comply with this order, failing which, it would amount to an aggravated contempt. Needless to state, if the employees are aggrieved by the decision of the State, they would be at liberty to take recourse to a remedy, as may be permissible in law.

(Ravindra V.Ghuge, J.)