

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2374 OF 2016

SANGITA PARMESHWAR GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Patil N. P. Jamalpurkar
AGP for Respondents No. 1 to 3 : Mr. P. K. Lakhotiya
Advocate for Respondent No. 4 : Mr. V. B. Deshmukh

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 18th MARCH, 2019

PER COURT :

1. The petitioner claims permanency.
2. In the present matter it would not be possible for us to consider the request of the petitioner for permanency in view of the fact that the earlier Compliant (ULP) No. 140/04 filed by the petitioner for the same purpose has been rejected and the said order of the Industrial Court has been confirmed by this Court in the writ petition filed by the petitioner.

3. Independently, we are not inclined to consider the case of the petitioner for grant of permanency.

4. However, Mr. Patil, learned Advocate for the petitioner submits that the petitioner was appointed on 01.08.1990 as a Sevika by respondent no. 4. Similarly situated Sevikas appointed after the petitioner and juniors to the petitioner are issued with the regularisation order. The petitioner is discriminated.

5. According to the learned counsel for respondent no. 4, the said 17 persons (Page No. 17) directed to be regularised are not yet regularised and the proceedings are taken up by respondent no. 4.

6. The Commissioner had passed an order regularising the services of the said 17 Sevikas on 05.01.2016. On or about 18.01.2016, the order is passed by the Deputy Director of Municipal Administration, Mumbai with regard to the said 17

employees who were directed to be regularised under the order of the Commissioner dated 05.01.2016.

7. The petitioner cannot be meted with different treatment. If the petitioner is similarly situated as those who have been issued with the orders of regularisation and are juniors to the petitioner, then the case of the petitioner deserves to be considered by the respondents on the same terms.

8. If all the circumstances are similar, then the case of the juniors cannot be considered de hors the case of the petitioner.

9. It appears that the petitioner subsequently filed a representation on 21.01.2016 (**Exhibit E, Page No. 19**) making grievance that the petitioner stood at Serial No. 14 in the seniority list and she is not considered for regularisation.

10. Respondents no. 1 and 2 shall consider the

case of the petitioner (application / representation) filed by the petitioner for permanency / regularisation (**Exhibit E, Page No. 19**) in lines of order passed in respect of the similarly situated employees (**Exhibit D, Page No. 16**). In case, the services of the juniors to the petitioner in the seniority list and similarly placed as the petitioner are regularised, then the case of the petitioner also may be considered on the same lines and decision in that regard shall be taken by respondents no. 1 and 2 expeditiously and preferably within six (06) months.

11. Writ Petition stands disposed of accordingly.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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