

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

WRIT PETITION NO.11094 OF 2019

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS
VERSUS
MANGAL DATTATRAYA HINGURDE

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AGP for the Petitioners : Shri N. T. Bhagat
Advocate for the Respondent - sole : Shri P. V. Barde

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 7th SEPTEMBER, 2019.

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PER COURT :

1. The learned Advocate for the respondent submits that the impugned judgment of the Industrial Court dated 14/06/2017 delivered in Complaint (ULP) No. 144/2013 filed by the respondent, would be covered by the judgment of this Court dated 26/09/2018 delivered in Writ Petition No.10719/2018 and the group of petitions filed by the same petitioner.

2. A common evidence was led by all identically placed original complainants before the Industrial Court. Identical judgments were delivered in the group of ULP Complaints.

This petitioner has approached this Court belatedly as the petition was filed on 20/06/2019 by the State Authorities. As such, all the directions set out in paragraph 12 of the judgment dated 26/09/2018 would apply to this respondent as well.

3. Though the learned AGP has canvassed the points formulated in this petition independently, I find that he is not in a position to make out any distinguishing features in this matter in relation to the judgment dated 26/09/2018. Despite his valiant attempt, I do not find that the respondent herein is in any way different from the respondent / employees covered by the said judgment.

4. In view of the above, this petition is disposed off by setting forth the same directions as are set out in paragraph 12 of the judgment dated 26/09/2018, which read as under :-

"12. In view of the above, these petitions are disposed of with the following directions :

(A) The petitioner No. 3 shall prepare the proposals of these respondents specifically stating therein that they have been held to be daily wagers and not on EGS by the Industrial Court, their total years of service and their last

drawn wages.

(B) Such proposals would be forwarded to the Secretary Revenue and Forest Department, Government of Maharashtra, within a period of three months from today and no further extension of time shall be sought for any reason.

(C) The concerned department shall consider the cases of these respondent as per their seniority and grant them regularization depending on the availability of sanctioned vacant permanent posts. The proposals shall be on the basis of the GR dated 16/10/2012.

(D) If the posts are not available, such cases of the respondents shall be considered as and when the posts are created.

(E) Until then, these respondents shall not be terminated from service merely on the ground that they are daily wagers, save and accept for disciplinary action/reasons. "

(RAVINDRA V. GHUGE, J.)

shp/-