

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6852 OF 2019

1. Shri Raju S/o Sadashiv Patil,
Age : 53 years, Occu: Service working as Valvemen
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Shelarwadi, Chitod Road, Dhule, Tq. and
District Dhule.
2. Shri Sahebrao S/o Chintaman Patil,
Age : 59 years, Occu: Service working as Valvemen
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Fagane (Ambanagar), Dhule, Tq. and
District Dhule.
3. Shri Kailash S/o Sitaram Patil,
Age : 54 years, Occu: Service working as Valvemen
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Fagane, Gandhi Chowk, Dhule, Tq. and
District Dhule.
4. Shri Ashok S/o Sadashiv Mamodkar,
Age : 50 years, Occu: Service working as Sweeper
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : 2990, Near Sanman Video, Behind Rajkamal
Talkies, Dhule, Tq. and District Dhule.
5. Shri Ambadas S/o Tatyappa Vibhute,
Age : 53 years, Occu: Service working as Valvemen
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : 99, Mirajkar Nagar, Near Panchawati Nagar,
Mhada Vasahat (East), Chalisgaon Road, Dhule, Tq. and
District Dhule.
6. Shri Sudhir S/o Gopinath Lingayat,
Age : 56 years, Occu: Service working as Cleaner
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : House No. 2755, Galli No. 4, Behind Rajkamal
Talkies, Dhule, Tq. and District Dhule.

7. Shri Sanjay S/o Vishnu Shende,
Age : 48 years, Occu: Service working as Peon
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Plot No. 11, Jijau Housing Society, Rajwade Nagar,
Chalisgaon Road, Dhule, Tq. and District Dhule.
8. Shri Sanjay S/o Shankar Aajalkar,
Age : 53 years, Occu: Service working as Peon
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Ajalkar Nagar, Plot No. 34, Chitod Road, Dhule, Tq.
and District Dhule.
9. Shri Suresh S/o Hiranman Bagul,
Age : 56 years, Occu: Service working as Supervisor
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : House No. 3034, Us Galli, Near Agrawal Bhavan,
Dhule, Tq. and District Dhule.
10. Shri Sanjay S/o Hiranman Chavhan,
Age : 46 years, Occu: Service working as Supervisor
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Desara Maidan Jalkumbh, Malegaon Road
(Govt. Quarter), Dhule, Tq. and District Dhule.
11. Shri Ulhas S/o Gokul Khopade,
Age : 46 years, Occu: Service working as Peon
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Plot No.1, Hiradas Khopade Nagar, Adjacent to
Mirajkar Nagar (Mhada) (East), Chalisgaon Road,
Dhule, Tq. and District Dhule.
12. Smt. Aruna Sahebrao Waghmare ,
Age : 48 years, Occu: Service working as Nurse
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Gut No. 4/5, Behind Rajkamal Talkies,
Dhule, Tq. and District Dhule. ...Petitioners

Versus

1. The State of Maharashtra,
Through, the Principal Secretary
Urban Development Department,
Mantralaya, Mumbai-32.

2. The Divisional Commissioner,
Nashik Division, Nashik
3. The Dhule Municipal Corporation,
Dhule, District Dhule,
Through its Commissioner ...Respondents

WITH
WRIT PETITION NO. 9652 OF 2018

Dr. Jagdish S/o Shamrao Patil,
Age: 57 Years, Occu. Medical Officer,
Dhule Municipal Corporation,
R/o: 130, Jalganga Housing Society,
Sakri By pass road, Dhule,
District Dhule. ...Petitioner

VERSUS

1. The State of Maharashtra,
Through, the Principal Secretary
Urban Development Department,
Mantralaya, Mumbai-32.
2. Dhule Municipal Corporation,
Dhule, through its Commissioner ...Respondents

WITH
WRIT PETITION NO. 8100 OF 2019

Dr. Masrur Rafiyoddin Shaikh,
Age: 51 Years, Occu. Service,
R/o: Plot No. 10, 80 Ft. Road, Dhule
Tq. And District Dhule. ...Petitioner

VERSUS

1. The State of Maharashtra,
Through, its Secretary
Urban Development Department,
Mantralaya, Mumbai-32.
2. The Dhule Municipal Corporation,
Dhule, District Dhule, Through
its Commissioner ...Respondents

WITH

WRIT PETITION NO. 8078 OF 2019

1. Meena Yogesh Satbhai (Meena Pralhad Jadhav),
Age : 46 years, Occu: Service working as Clerk
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
2. Shri Sayyed Wahid Ali Mahemud Ali,
Age : 48 years, Occu: Service working as Clerk
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
3. Shri Rajendra Rambhau Lade,
Age : 45 years, Occu: Service working as Clerk
under the Establishment of respondent No. 3 Dhule
Municipal Corporation, Dhule,
R/o : Shivajinagar, Zopadpatti,
Nandi Road, Dhule. ...Petitioners

Versus

1. The State of Maharashtra,
Through, the Principal Secretary
Urban Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Nashik Division, Nashik
3. The Dhule Municipal Corporation,
Dhule, District Dhule,
Through its Commissioner ...Respondents

WITH
WRIT PETITION NO. 11691 OF 2019

1. Shri Bhatu S/o Shankar Gawali,
Age : 55 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
2. Vandana Pandurang Vitkar,
Age : 56 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.

3. Sakhubai Sahebrao Mali,
Age : 58 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
4. Shri Narayan S/o Natuji Misal,
Age : 53 years, Occu: Service working as Class III
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
5. Shri Jagdish Bhagwan Sonje,
Age : 53 years, Occu: Service working as Class III
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
6. Shri Pradip Gulabrao Kotwal,
Age : 54 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
7. Shri Ratilal Uttam Jadhav,
Age : 49 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
8. Shri Ratilal Zamaru Patil,
Age : 58 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
9. Smt. Rajubai Bhagwan Bhamare,
Age : 55 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
10. Shri Dattatray Pandurangt Mali,
Age : 54 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.

11. Shri Jagdish Bhatu Wagh,
Age : 54 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
12. Shri Raju Kisan Gore,
Age : 53 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
13. Shri Sadashiv Kashinath Kale,
Age : 59 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
14. Shri Dilip Shankar Deo,
Age : 56 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
15. Shri Kalidas Chindhu Bagul,
Age : 47 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule,
R/o : Dhule, Tq. and District Dhule.
16. Khandu Shankar Gaikwad,
Age : 58 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule.
17. Shri Prakash Shankar Deo,
Age : 49 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule
R/o : Dhule, Tq. and District Dhule.
18. Shri Devidas Vitthal Patil,
Age : 49 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule.

19. Shri Rajendra Vinayak Patil,
Age : 56 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule.
20. Shri Raju Khandu Waghdare,
Age : 53 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule.
21. Shri Sunil Bhika Chaudhari,
Age : 46 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule.
22. Shri Arun Dharma Shinde,
Age : 59 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule.
23. Shri Dnyaneshwar Pandurang Waghdare,
Age : 50 years, Occu: Service working as Class IV
Employee under the Establishment of respondent No. 3
Dhule, Municipal Corporation, Dhule.
R/o : Dhule, Tq. and District Dhule. ...Petitioners

Versus

1. The State of Maharashtra,
Through, the Principal Secretary
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2. The Divisional Commissioner,
Nashik Division, Nashik
3. The Dhule Municipal Corporation,
Dhule, District Dhule,
Through its Commissioner ...Respondents

Advocate for Petitioners :Mr V D Sapkal, Senior Advocate, i/by
Mr Mahajan Lalitkumar S

AGP for Respondents State: Mr S B Yawalkar
Advocate for Respondent No.3 : Mr N N Desale

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 24th February, 2020

ORAL JUDGMENT (Per S.V. Gangapurwala J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, petitions are taken up for final disposal.
2. Petitioners in all these writ petitions are either working on Class-III, Class- IV posts and some of the petitioners are working as Medical officers. All these petitioners seek regularization in service.
3. Petitioners claim to have been appointed in between 1981 to 1990. Some of the petitioners were terminated from service. They approached Industrial Court. The Industrial Court granted them regularization. However, benefits of regularization are not accorded to the petitioners.
4. Mr. Sapkal, learned Senior Advocate and Mr. Mahajan, learned advocate for the petitioners contend that the petitioners are officiating on their posts for more than 25-30 years. They have not been accorded benefit of regularization. According to them, the vacant sanctioned posts exist. There are 19 sanctioned posts of Medical Officers. Only 4 posts are filled in. 15 sanctioned posts of Medical Officers are lying vacant with the respondent municipal corporation. There are 200 Class-IV and Class III posts vacant as on date. This fact has been confirmed by Mr. Desale, learned counsel

for the respondent from the officer of the respondent Municipal Corporation.

5. According to the petitioners, juniors to the petitioners have been absorbed and regularized in service by the Corporation. Answer to this contention by the respondent corporation is that those who are given benefits were backed by the orders of the Industrial Court to regularize their service. When the petitioners are similarly situated and are senior in service to the persons who are already regularized, then the petitioners certainly have to be considered for regularization if not regularized so far

6. Similarly situated 24 persons belonging to Class III and Class IV posts approached this Court by filing writ petition bearing No.1593/2014 with connected writ petitions. This Court, under judgment and order dated 26th October, 2018 allowed the writ petitions and directed the corporation to absorb those petitioners against sanctioned posts with effect from 07.05.2004. It is affirmed by the learned counsel for the parties that judgment of this Court has been confirmed by the Apex Court and the SLP filed by the respondent corporation has been dismissed.

7. Learned Advocates for the parties are ad idem that petitioners are similarly situated as the petitioners in Writ Petition No. 1593/2014 and connected matters, decided by this Court under judgment and order dated 26th October, 2018.

8. In light of the aforesaid conspectus, we pass following order.

O R D E R

1. The respondents shall regularize the services of the petitioners and absorb them on the vacant sanctioned posts. Needless to state, regularization of the petitioners shall be followed by consequential benefits attached thereto.
 2. The petitioners will be entitled for actual financial benefits from the period three years prior to filing of the petitions. Notional benefits shall be granted to the petitioners from the date sanctioned vacant posts are available from 2004 onwards.
 3. In case some of the petitioners herein have retired, benefits of this order shall be accorded to them for retireal benefits.
 4. Rule is accordingly made absolute in the above terms.
9. Writ petition accordingly disposed of No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC