

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

WRIT PETITION NO. 2432 OF 2020

**ASHOKKUMAR MEHRUMAL MOTWANI
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner :
Mr. Girish Rane h/f. Mr. Raje Vikrant P.
Addl.G.P. for Respondents No. 1 & 2 :
Mrs. M. A. Deshpande

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

DATE: 10th FEBRUARY, 2020

PER COURT:

1. Mr. Rane, learned counsel for the petitioner strenuously contends that the Regional Deputy Director while passing the impugned order has not taken into consideration the Government Resolution dated 16.05.2005. The petitioner was working from 10.10.1985. The Government Resolution dated 16.05.2005 is applicable to all the employees who were working prior to June 1986. The Resolution dated 20.10.1986 clearly states that the petitioner was working from 10.10.1985. The petitioner is entitled for the benefit of the said

Government Resolution. This Court in Writ Petition No. 6246 of 2017 under order dated 11.04.2018 directed the authority to consider the case of the petitioner for regularisation. The vacant post exists with the respondent / municipal council. The Government Resolution dated 16.05.2005 has been ignored. The benefit of regularisation ought to have been given to the petitioner.

2. The learned Additional Government Pleader appearing for respondents no. 1 and 2 submits that the petitioner is already terminated from service. He had filed Complaint (ULP) No. 51 of 2012. The same is also dismissed. The judgment has become final.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The petitioner was in service from 1991. It appears that when earlier writ petition 6246 of 2017 was filed by the petitioner, the factum of the Complaint (ULP) No. 51 of 2012 filed by the petitioner was ignored. The same was not

considered while passing the order dated 11.04.2018.

5. The petitioner was terminated from service on 19.03.2010. The same was assailed in Complaint (ULP) No. 51 of 2012. The Labour Court dismissed the Complaint (ULP) No. 51 of 2012 filed by the petitioner under judgment and order dated 30.10.2013. The said judgment, it appears has become final. The same was not challenged at any point of time. After the termination of the petitioner from service and dismissal of the ULP, the petitioner has filed proceedings for regularisation. The judgment on the judicial side upholding the termination of the petitioner has become final. The employee is terminated from service and his termination having been confirmed by the competent Labour Court on judicial side, cannot seek regularisation of service. For regularisation the person ought to be in service. The petitioner is not in service since the year 2010.

6. Considering the aforesaid conspectus of the matter, it would not be possible to accept the contention of the petitioner.

7. Writ Petition, as such is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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