

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2804 OF 2019

More Swamirao Vithoba & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION ST. NO. 371 OF 2017**

Munoli Shankar Mahadev & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO. 1410 OF 2019**

Bajare Satish Prahlad & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION ST. NO. 7298 OF 2019**

Dattatray Dagadu Patil & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

.....
Mr.Rajaram Deshmukh for the Petitioners in all Petitions.
Mr. B.V.Samant, AGP, for Respondent Nos.1 to 4-State.
.....

**CORAM : S.S. SHINDE &
V.G.BISHT, JJ.**

DATE : FEBRUARY 28, 2020

P.C.:

1. The learned Counsel appearing for the petitioners and learned AGP appearing for State and its officials jointly submit that an issue raised in these Petitions is no more res integra and has been considered and decided in Writ Petition No. 6374 of 2014 (Shri. Solapur Bhimashankar Daulappa & Ors. V/s. The State of Maharashtra Through Social Justice Dept & Ors) and Writ Petition No. 8835 of 2017 (Manoj Shyamrao Raskar & Ors. V/s. The State of Maharashtra & Ors.) by Division Bench of this Court (Coram: S.C.Dharmadhikari & Smt.Bharati H. Dange, JJ.) on 19th December, 2018. The said order reads thus :

"1. Writ Petition No.8835 of 2017 is mentioned and taken on board.

2. There is an affidavit-in-reply tendered by Shri.Kalel.

3. It is taken on record.

4. In the affidavit-in-reply, it is stated that the Government has invited proposals for grant of permanency/regularization benefits to the Sweeper/Helpers and Security Guards appointed on contract basis in the department concerned. In the circumstances, the Social Justice and Special Assistant Department has drawn up this plan/scheme and the matter is pending before the High Power Committee.

5. *The matter will be forwarded to the High Power Committee through the Finance Department. Once the High Power Committee takes an appropriate call/decision eventually the Finance Department's approval regarding pay-scale would be necessary.*

6. *After this procedure is complied with, then, the principle of equal pay for equal work would automatically come into play. Thus, the affidavit says that the proposals for revised pay-scale on the basis of the above principle of not only the petitioners, but other employees working in Special Schools on contract basis have been forwarded for consideration of the Finance Department. Once it is the Finance Department which has to take a decision, then, it is entirely for the petitioner to await the final decision of the Government in that regard or to allow this Writ Petition to be disposed of in terms of the statements made in the affidavit.*

7. *Mr.Deshmukh, on instructions, states that presently the petitioners would await the outcome of the proposals mentioned in this affidavit-in-reply of the under Secretary, Social Justice and Special Assistant Department, Government of Maharashtra. Depending upon the final decision, the petitioners may decide to revive their challenge based on the applicability of the above principle. In the event the final decision grant substantial relief to the petitioner, the petitioners may not raise any challenge.*

8. *Either way, we do not express any opinion and by keeping the issue open dispose of these Writ Petitions in the light of this affidavit”.*

2. The learned Counsel appearing for the petitioners submits that these Petitions may be disposed of in terms of the aforesaid order. However, the petitioners may be given an opportunity to file a representation to the High Power Committee.

3. For the same reasons, which are assigned in the aforesaid order of 19th December, 2018 passed by the Division Bench (Coram: S.C.Dharmadhikari & Smt.Bharati H. Dange, JJ.) of this Court, the present Petitions stand disposed of. However, in addition to above, we grant liberty to the petitioners to make comprehensive representation to the High Power Committee raising all contentions raised in the present Petitions.

(V.G.BISHT, J.)

(S.S. SHINDE, J.)