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

910 CIVIL APPLICATION NO.11770 OF 2021
IN WP/4765/2020

**BALAJI BHARAT MAHUWALE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS**

...

Mr Sayyad Tauseef Yasin, Advocate for applicants;
Smt. S. S. Chintamani, Standing Counsel for respondent No.1;
Mr S. B. Yawalkar, A.G.P. for respondents/State

**WITH
CIVIL APPLICATION NO.11771 OF 2021
IN WP/4762/2020**

**VINAYAK SUMANTRAO WARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr Sachin S. Deshmukh, Advocate for applicants;
Mr S. B. Yawalkar, A.G.P. for respondents/State;
Smt. S. S. Chintamani, Standing Counsel for respondent No.4;

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 27th October, 2021

PER COURT:

1. We have perused the prayers set out in these two civil applications, which are common. The substantive prayer is at Clause 12(B) of Civil Application No.11770/2021, which reads as under :

(2)

“B. The respondents may kindly be directed to issue orders continuing the applicants’ appointment on their respective contractual posts with a further direction to the respondents to grant the applicants’ their due salary.”

2. We have heard the learned Counsel for the respective sides. The learned A.G.P. vehemently opposes these applications.

3. In the writ petitions, this Court had earlier ordered that the posts held by the petitioners shall not be filled in. Subsequently, an order has been passed on 16/06/2020, directing that these petitioners, who are contractual employees, shall not be relieved from their posts till the next date, if not already relieved. Ever since the passing of the said orders, these petitioners had continued in service and there is no dispute that they are working even today.

4. In view of the above, these two applications are disposed off with the following directions : -

(a) As these applicants are in employment by virtue of the Court orders, no further orders are necessary;

(3)

(b) Since work cannot be extracted without payment of wages from any employee, the respondents shall ensure that 50% of the arrears of the wages are paid to these petitioners, on or before 30/10/2021 and the remainder 50% be cleared off till 15/11/2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk