

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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INTERIM APPLICATION (STAMP) NO. 1357 OF 2021

IN

WRIT PETITION NO. 7002 OF 2021

WITH

WRIT PETITION NO. 7002 OF 2021

Panchksharayya Channayya Mathpati

& Ors.

...Applicants

Versus

The Union of India and Ors

...Respondents

WITH

INTERIM APPLICATION NO. 417 OF 2021

IN

WRIT PETITION NO. 7002 OF 2021

Maharashtra State Judicial Employees

Confed. and Ors

...Applicants

Versus

Panchksharayya Channayya Mathpati

and Ors

...Respondents

Ms. Pradnya Talekar i/by Talekar and Asso for the
Petitioners.

Dr. Milind Sathe, Senior Counsel a/w Mr. Rahul Nerlekar
for Respondent No. 4.

Mr. D.P. Singh for Respondent No. 1.

Ms. R.M. Shinde, AGP, for the Respondent – State.

Ms. Mamta Sudh a/w Mustafa Shabbir Shamim i/by Shamim
and Co for Applicants in IAST/1357/2021.

None for the Applicants in IA/417/2021

**CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.**

DATE : NOVEMBER 29, 2021.

PER COURT :

1. By way of the present applications, the
applicants praying for allowing to intervene in the

Petition. The grounds raised are that the applicants who are already working in the establishment of the High Court for a considerable long period i.e., nearly 30 years, and as such have gained rich experience. It is also submitted in the applications that the applicants are discharging various duties including maintenance of the records attending the judicial officers and certain ministerial works. It is then submitted that regularization of the Petitioners were result in repetition of duties and conflict of duties. It is also submitted that as the appointments of Court Managers are on contractual basis, the applicants were well aware of stipulation and there is always an option open for the Petitioners to opt for other better services if the Petitioners are not satisfied with the service conditions of Court Manager.

2. Though, learned Counsel Ms. Talekar appearing for the Petitioners raised certain objection to the applications submitting that the applicants do not have any *locus* so as to intervene in the Petition, considering the grounds raised in the applications, we are of the opinion that by permitting the applicants to

intervene in the Petition and granting them opportunity of hearing would not cause any prejudice to the Petitioners and the intervention of these applicants would also lead to filing of the comprehensive replies by the Respondents in view of certain facts, namely, the statement made in the affidavit filed on behalf of Respondent No. 2 on 08.01.2021 which reads that vide Government Resolution dated 28.04.2020, the period of appointment of Court Managers on contract basis has been extended for the period of one year with effect from 01.04.2020 or till the decision of the Rule Committee, whichever is earlier. The corrigendum has also been issued to the said Government Resolution on 23rd June, 2020 and the copies of the said Government Resolution dated 28.04.2020 and Corrigendum dated 23rd June, 2020 are placed on record at Exhibit 11 and 12 respectively.

3. There is also statement made in the affidavit-in-reply that the Respondent – State is yet to receive from Respondent No. 4 the revised staffing pattern/roaster. Once the duly revised staffing pattern/roaster is received, it shall be placed before

the High Level Secretary Committee for consideration of the issues pertaining to the pay scale and regularization, etc.

4. In view of these facts, the Interim Applications for intervention i.e., Interim Application (Stamp) No. 1357 of 2021 and Interim Application No. 417 of 2021 are allowed. The applicants are permitted to amend the Petition accordingly. Amendment to be carried out within one week from today. Copy of the amended Petition be supplied to the Counsel appearing for the respective parties. Needless to state that the Counsel for respective parties may file their respective additional affidavit, replies and additional replies within four weeks from today. After two weeks there shall be an exchange of these replies.

5. Post the Petition for further consideration on **25th January, 2022 at 02.30 pm**. If on the next date, it is admitted by the parties that exercise of putting pleadings before this Court is completed and if it is convenient for this Court, the Petition would be heard finally.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)