

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 3429/2020

Ankush @ Revan Suresh Thool and ors.

...Petitioners

Versus

Nagar Parishad Wanadongri

...Respondents

Shri Mohan Sudame, Advocate for the Petitioners

Shri S.D. Deoras, Advocate for the Respondent No. 1

Shri Amit Madiwale, AGP for the Respondent Nos. 2 and 3 - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 20 JANUARY 2021

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioners, eighteen in numbers, claim to have been employed as Safai Kamgar with the Gram Panchayat Wandongri since the year 2010. It is their grievance that in the year 2016 when Gram Panchayat, Wandongri was made into a Nagar Parishad, the Nagar Parishad ought to have included the name of the Petitioners and the posts they were occupying in the Staffing Pattern for approval. It is also grievance of the Petitioners that the Additional Director of Municipal Administration, Nagpur did not consider the fact that the Petitioners were

working for a long duration and by order dated 04 November 2020 services of the Petitioners came to be terminated.

3. The learned Counsel for the Petitioners submits that the Petitioners were appointed in the Gram Panchayat and they were working since the year 2010 and there are Resolution to that effect. He further submits that order dated 04 November 2020 referring to Section 58(2)(c) (i) of the *Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965* has no application to the Petitioners' case. The learned Counsel submitted that the impugned order, therefore, will have to be set aside and the Petitioners' name should be included on the establishment of the Respondent - Nagar Parishad.

4. Reply affidavit is filed by the Respondent - Nagar Parishad.

5. The Petitioners have also sought a direction to the Respondent-Nagar Parishad to reinstate the Petitioners in service and regularize them as the other workers of the Nagar Parishad. There are no appointment orders issued to the Petitioners by the Gram Panchayat, therefore, the Petitioners have first claimed for regularization. However, it is settled by catena of the decisions including that of Constitution Bench in the case of *Secretary, State of Karnataka & Ors. Vs. Umadevi (3) & Ors.*¹ that such direction for regularization in the services of public bodies under Article 226 of the Constitution of India, ought not to be issued by the Writ Courts. The Industrial Adjudicator, in a limited and exceptional

1 (2006) 4 SCC 1

circumstances, can have the power to direct permanency and regularization in such circumstances.

6. While we decline to exercise the Writ jurisdiction, we leave the questions open in case the Petitioners decide to approach the Industrial Adjudicator. These questions will be decided by the said forum on its own merits. The Writ Petition is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]