

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

WRIT PETITION NO. 1081 OF 2019

Vishal Bhimrao Narwade

.. Petitioner

Versus

The Union of India and others

.. Respondents

Ms. P. S. Talekar, Advocate i/by Talekar and Associates,
Advocate for the Petitioner.

Smt. Sudha S. Kulthe, Advocate for the Respondent No. 1.

Shri Ruturaj C. Patil, Advocate for the Respondent Nos. 2 and 3.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 23.09.2022.

FINAL ORDER (*Per Sandeep V. Marne, J.*) :-

. By present petition, the petitioner challenges order dated 03.03.2014, by which his application dated 17.02.2014 has been rejected. While challenging the order dated 03.03.2014, the petitioner has not made any substantive prayer in the petition. Prayer clauses 'B' and 'C' are for decision of the representations, in which the petitioner had sought appointment/absorption on vacant post.

2. At the outset, it must be noted that the petition has been filed after inordinate delay. The petitioner had earlier filed Writ Petition No. 4906 of 2013 seeking absorption in service on the post of sweeper in the respondent-bank. That petition was disposed of by this Court by order dated 30.01.2014 observing that it was open for the respondents to consider the

representations and pass appropriate orders in accordance with policy prescribed by the establishment. In pursuance of that direction of this Court, communication dated 03.03.2014 was issued to him rejecting his representations. Present petition challenges said communication dated 03.03.2014, but has been filed after delay of about five long years on 14.01.2019. For delay and laches in filing petition, the same deserves to be dismissed.

3. Even on merits, we find that no case is made out by the petitioner. Present petition is a confused document. Apart from absence of any substantive prayer for absorption/appointment, it is not clear as to which exact claim the petitioner is being pressed in the present petition. This is because he has been working with the respondent bank as a sweeper and possibly on that count, relief of absorption was sought in the earlier petition. However, we find that the petitioner also participated in the selection process conducted by the bank for filling up the post of peon. In the select list, which is placed on record at page No. 245 of the paper book, the petitioner's name is not included. The select list was finalized on 29.12.2011. There is no challenge to that select list, nor appointment orders of the selected candidates are challenged.

4. This is how, the petitioner is seeking to press his dual claims of absorption on the strength of his working as daily wager sweeper as well as direct recruitment to the post of peon on the basis of his participation in the selection process. The petitioner, thus appears to be unsure about exact nature of his grievance. So far as challenge to the selection process is concerned, the same appears to be finalized by way of select list

dated 29.12.2011 and there could have been delay of eight long years if the same was to be challenged. Even in the previous petition filed in the year 2013, the said selection process or the result thereof was not challenged. Therefore, the petitioner is precluded from seeking appointment in pursuance that selection process.

5. So far as his prayer for absorption in service is concerned, he claims to have been working as part time sweeper for six years during 2006-2012 and later he claims to have been converted as a full time sweeper. However, no specific date is stated in the petition till which he continued to work with the respondents. However, from the pleadings in para Nos. 11 and 12 of the petition, it appears that the last date of engagement of the petitioner could be 14.03.2012. Thus, the petitioner has worked hardly for a period of six years, majority portion of which is on part time basis. Considering law laid down by the Apex Court in the case of **Secretary State of Karnataka and others Vs. Umadevi and others** reported in **(2006) 4 SCC 01**, we do not find that the petitioner has any right to seek absorption in the respondent bank on the basis of his daily wage service for about six years.

6. Consequently, we do not find any merit in the petition. The same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]