

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

**111 WRIT PETITION NO.2032 OF 2022
VISHNUKANT APPARAO BARHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**112 WRIT PETITION NO.2040 OF 2022
SANJEEV GANGARAM JAGDAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**113 WRIT PETITION NO.2043 OF 2022
VISHWAMBHAR GANGARAM BARHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**114 WRIT PETITION NO.2059 OF 2022
JITENDRA WALMIK PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**115 WRIT PETITION NO.2067 OF 2022
BHAGWANT SAHEBRAO WANKHEDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Anil Golegaonkar h/f. Mr. M.A. Golegaonkar, Advocate for the petitioners.
Mr.S.G. Karlekar, AGP for the respondent/State.
Mr.S.R. Dheple, Advocate for respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 27.06.2022**

PC :-

01. The identically placed petitioners have putforth prayer clauses (B) and (C) (WP/2032/2022) as under :-

“B] To quash and set aside the impugned order dated 20/1/2022 issued by the respondent no.2 thereby reverting the petitioner from the post of Temporary conductor to the post of Badli Temporary conductor on daily wages and direct the respondent no.2 and 3 to confirm the services of the petitioner on the post of conductor from the year 2013 and release the salary in pay scale of permanent employee with arrears, by issuing appropriate writ, order or directions in the like nature.

C] To direct the respondent no.3 Committee to decide the tribe claim of the petitioner and issue validity certificate in his favour as earliest by stipulating the period which this Honourable Court deems fit, by issuing appropriate writ, order or directions in the like nature.”

02. By order dated 11.02.2022, this Court has granted interim relief to the petitioners as under :-

“1. The petitioners assail the orders of reverting the petitioners on daily wages from the post of temporary conductors. The petitioners also seek release of salary in the pay-scale of permanent employees. The validation proceedings are pending.

2. Issue notice to respondents, returnable on 07-04-2022. The learned respective AGPs/Addl.G.P waive service of notice for respondent nos.1 and 4 in respective matters. Hamdust allowed.

3. Till next date, no adverse action shall be taken against the petitioners pursuant to the impugned orders.”

03. There is no dispute that the claims of the petitioners for validation are pending with the Committee. In some cases, Vigilance Committee report has been submitted.

04. The learned Advocate for the petitioners submits that during the pendency of these petitions, two petitioners, namely, Jitendra Valmik Pawar (WP No.2059/2022) and Bhagwantrao Sahebrao Wankhede (WP No.2067/2022), have been granted validity certificates for “Thakur” – Scheduled Tribe category, on 16.03.2022 and 07.03.2022, respectively. As such, both these petitions are allowed.

05. Considering the above, the remaining petitions are **DISPOSED OFF** by continuing the interim relief granted by this Court with the following directions:-

a) These three petitioners would appear before the respective Committees on 11.07.2022 at 12=00 noon and participate in the proceedings.

b) The Committee shall decide the claim of these petitioners as expeditiously as possible and in any case on or before 30th December, 2022.

c) The petitioners shall wholeheartedly co-operate for the early disposal of the pending claims and if they seek adjournment on unreasonable or trivial grounds, the competent Committee would be at liberty to advance to the further stages in the enquiry and complete the proceedings within the time frame.

d) The monetary loss caused to the petitioner, if any, shall be paid to them in the event their claims are validated.

e) In the event the claims of the petitioners are invalidated, the Management would be at liberty to proceed with the action proposed as against those respondents, whose claim have been invalidated.

f) As the claims of Jitendra Valmik Pawar and Bhagwantrao Sahebrao Wankhede have been allowed, the impugned order is set aside. They would be restored to their normal positions. The difference in salary, considering that they were brought on the supernumerary posts, would be paid to them for the said period, during which they worked on the supernumerary post. Such arrears shall be paid to them on or before 30.08.2022.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]