

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

WRIT PETITION NO. 2002 OF 2017

Smt. Shobha w/o Manikrao Deshmukh ... **Petitioner**
Age 59 years, Occu: Retired
R/o C/o Naresh Panditrao Kulkarni,
Matoshri, House No.118, Acharya
Nagar, Vasmat Road, Parbhani

VERSUS

1. The State of Maharashtra,
Through its Revenue & Forest
Department, Mantralaya, Mumbai
2. The Accountant General-II
Civil Line, Post Box No.114,
Nagpur 400 001
3. Deputy Director of Land Records,
Aurangabad Region, Damdi Mahel,
Aurangabad
4. District Superintendent of Land Record
Parbhani
5. Deputy Superintendent of Land Record ... **Respondents**
Ardhapur, Tq. Ardhapur, Dist. Nanded

Mr. U. R. Awate i/by Talekar and Associates, Advocate for
petitioner

Mrs. R.P. Gour, AGP for the respondents-State

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 14 JULY 2022

ORAL JUDGMENT (PER C. V. BHADANG, J.)

Rule, made returnable forthwith. The learned AGP waives service for the respondent Nos. 1, 3, 4 and 5 who are the contesting respondents. Heard finally by consent of parties.

2. The challenge in this petition is to the judgment and order dated 27 April 2015 in Original Application No. 409 of 2014 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad (MAT), thereby dismissing the said original application filed by the petitioner. The issue is about the regularization of service of the "unpaid employees" of the respondents.

3. We have heard learned counsel for the petitioner and the learned AGP. Perused record.

4. The learned counsel for the petitioner has pointed out the order dated 31 July 2012 passed by the Deputy Director of Land Records, Aurangabad, by which the petitioner, amongst others including one Satish Govindrao Sevlikar, came to be appointed in pursuance of the Government Resolution dated 10 March 2005. The learned counsel for the petitioner has placed reliance on the judgment and order passed by this Court in a batch of petitions being Writ Petition No. 8033 of 2019 and others decided on 26 May 2020, by which the Division Bench of this Court has held that the petitioners therein shall be considered in regular service w.e.f. 10 March 2005 and their services shall be counted as regular service for the purpose of seniority, retiral and consequential benefits from 10 March 2005.

5. This petition was adjourned in order to enable the A.G.P. to go through the said judgement and then to make appropriate submissions. The learned AGP, in all fairness, submitted that the petitioner was also appointed alongwith the petitioner in Writ Petition No. 7833/2016 and thus, the petitioner is similarly situated to the said petitioner.

6. In such circumstances, for the reasons stated in the judgment and order dated 26 May 2020, the present petition deserves to be allowed. The petition is accordingly allowed.

7. The petitioner shall be considered in regular service w.e.f. 10 March 2005 and the said service shall be counted as regular service for the purpose of seniority, retiral and consequential benefits from 10 March 2005.

8. Rule is made absolute in the aforesaid terms.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

JPChavan