

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

15 WRIT PETITION NO.3263 OF 2023

TUKARAM JAYAJI PANDE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Santosh S. Dambe.
AGP for Respondent/State : Mr. P. S. Patil.
Advocate for Respondent No.4 : Mr. U. B. Bondar.
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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 27th March, 2023.

Per Court:

1. The Petitioner was working as a valve man throughout his career, on daily wages. In identical set of circumstances, the learned Single Judge Bench of this Court had delivered a judgment on 8th May, 2018 in Writ Petition No.2617 of 2008, wherein it was concluded in paragraph Nos.11 to 14 as under:-

“11. Considering the above, the challenge by the Zilla Parishad Nanded to the impugned judgment of the Industrial Court fails and this petition stands dismissed. Rule is discharged.

12. It is however made clear that the petitioner would initiate appropriate steps for implementing the judgment of the Industrial Court within a period of four months

from today. Any issue as regards the financial responsibility for making the payments of arrears and regular wages to such workers would be covered by paragraph No. 11 of the judgment of the learned Division Bench in case of Sudhakar Gangaram Gunjatkar (supra) dated 19.01.2005. The amount of Rs. 34,43,846/-, withdrawn by the concerned workers under the order of this Court dated 09.03.2010 would be taken into account while calculating the arrears to be paid to these workers.

13. At this juncture, learned counsel for the petitioner points out a communication dated 11.01.2018 issued by the Desk Officer, Government of Maharashtra addressed to the Divisional Commissioner and Chief Executive Officers of Zilla Parishads excluding Dhule, Jalgaon, Pune, Satara, Nagpur, Vardha, Puldhana, Gondiya, Chandrapur, Osmanabad, Jalna, Latur, Hingoli, Beed, and Palghar, that the data, with regard to bringing daily rated employees on CRTE, should be submitted urgently. He further points out a communication issued by the Zilla Parishad Nanded dated 13.02.2017 to the Principal Secretary, Rural Development and Water Conservation Department of the Government of Maharashtra by which details about pending cases and the proposals of such daily rated workmen has been submitted.

14. Needless to state, the competent department of the State Government is bound to consider the cases of all such similarly situated daily rated employees working

in Zilla Parishads of the State Government, on parity, in view of the settled law, subject to their entitlement, in order to avoid a situation of compelling these daily rated workers to approach Courts and litigate.”

2. The learned Advocate for the Petitioner further relies upon an order passed by this Court on 3rd February, 2016. For the present, the Petitioner prays that since his name is already included in the list at serial No.26, which has been tendered to the Government, Respondent No.1 may consider his case alongwith all other identically situated employees, within a particular timeline.

3. Since Shri Bondar, the learned Advocate is on the panel of this Zilla Parishad, we requested him to cause an appearance in this matter and assist us. He has, therefore, appeared in the matter.

4. In view of the above, this Petition is disposed off with the following directions:-

a) In the event the Zilla Parishad has not yet forwarded the proposal of the Petitioner, whose name is at serial No.26 in the list, the Zilla Parishad shall forward the list of all such eligible employees to Respondent No.1, within 45 days from today.

- b) After such proposal is forwarded, or if such proposal is already pending, Respondent No.1 would decide the same within a period of 75 days, from the date of receipt of the same.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]