

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14421 OF 2018

Maharashtra Rajya Safai Karmachari
Sanghtana through Kaviraj Suresh KandarePetitioner
V/S
The State of Maharashtra & Ors.Respondents

...

Mr. Sachin Gite for the Petitioner.
Mr. M.M. Pabale, AGP for Respondents-State.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 7TH FEBRUARY 2023.

P.C.:

1 Mr. Gite, the learned Advocate for the Petitioner submits that the Petitioner had forwarded proposal for recognition of its Union under the provisions of Rule 29 of the Maharashtra Civil Services (Conduct) Rules, 1979 (hereinafter referred to as the 'Rules, 1979'). The same is rejected under order dated 11th September 2018. The learned Counsel for the Petitioner submits that the Petitioner Union has class-IV employees of local bodies, Municipal Corporation and the Government. It was erroneous on the part of Respondent to reject the proposal of the Petitioner on the ground that apart from the Government employees they were employees of the semi Government industries also. The learned Counsel submits that the

'Government servant' is defined under Rule 2(b) of Rules, 1979. According to the said definition even an employee of the company, corporation or organization can be a 'government servant'. The said aspect is not considered. The learned Counsel submits that the Respondent has registered one Union of Class-III employees under Rule 29 and they were employees of the Municipal Council.

2 We have heard the learned AGP also.

3 Rule 29 of Rules, 1979 mandates that Government may grant recognition to an association of Government servants, if that association has complied with the conditions specified in Appendix. Under Rule 2(b) of Rules, 1979 'Government servant' means any person appointed to any civil service or post in connection with the affairs of the State of Maharashtra, and includes a Government servant whose services are placed at the disposal of a company, corporation, organization, local authority or any other Government, notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State. On reading clause (b) of Rule 2 of Rules, 1979, it is manifest that a Government servant would mean any person appointed to any civil service or post in connection with the affairs of the State of Maharashtra, and whose services are placed at the disposal of a company, corporation, organization, local authority or any

other Government. It may happen that a Government servant may be deputed to any corporation or company or local authority such as Chief Executive Officer of Zilla Parishad, Municipal Commissioner of a Corporation.

4 In light of that the case of the Petitioner cannot be covered under Rule 29 of Rules, 1979.

5 The Petitioner may if it so chooses may get the registration under any other provisions of law. This order would not be an impediment for registration of the Petitioner Union in respect of Government servants.

6 The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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