



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3442 OF 2024

Subhash s/o Sukhdeo Gangurde
& others

.. Petitioners

versus

The State of Maharashtra
& another

.. Respondents

Mr. S. R. Kolhare, Advocate for the Petitioners.
Mr. R. S. Wani, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 3rd APRIL, 2024.

PER COURT :

1. Admittedly, the Petitioners are Badli workers. A Badli worker cannot be given any preference over and above the claims of the daily wagers and the temporaries for seeking regularization in service, keeping in view the definition of 'badli worker' under the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946. A Badli worker will have to prove on the basis of oral and documentary evidence that he was not a Badli worker, but was actually a daily wager or a temporary worker.

2. In view of the above, **this Writ Petition is disposed off** by applying the directions below Paragraph Nos. 5 and 6 of the order dated 5th February, 2024 passed in Writ Petition No. 7963/2021 (Suklal Jagannath Garud and others vs. The State of Maharashtra and another), which are reproduced here under for ready reference :-

“5. In view of the above, we direct the Respondent/Corporation to prepare a proposal of all such ‘badli workers’, going by their seniority, in the light of Clause 12(d) of the order dated 30/11/2016, reproduced above. All ‘badli wrkers’ would figure in the said proposal going by their seniority. The proposal would also contain the number of vacancies available with the Corporation. Such proposal of all similarly situated ‘badli workers’ shall be prepared within 30 days and shall be forwarded to Respondent No. 1/Urban Development Department, who would consider the said proposal, depending upon vacancies available.

6. Since the learned Advocate for the Corporation has informed us that, there are several ‘daily wagers’ working with the Corporation even today, a proposal of the ‘daily wager’ will also be prepared and forwarded to Respondent No. 1 within 30 days. While considering such proposals, Respondent No. 1 would assess, as to whether any of the ‘badli workers’ can be said to be working as ‘daily wagers’, if they are found to be continuously and in the uninterrupted service of the Corporation.

3. Needless to stage, the 'daily workers' would be given first preference for regularization and if permanent posts are still available and any 'badli worker' is found to be working continuously as a daily wager or a temporary and in the uninterrupted service, the direction set out in Clause 12(d), would be made applicable for considering such case for regularization."

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb