

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3999 OF 2003
WITH
CIVIL APPLICATION NO. 77 OF 2006
IN
WRIT PETITION NO. 3999 OF 2003**

The Asst.Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Rohini Jayanath Gaikwad

... Respondent

**WITH
WRIT PETITION NO. 5553 OF 2003
WITH
CIVIL APPLICATION NO. 634 OF 2006
IN
WRIT PETITION NO. 5553 OF 2003**

The Asst.Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Anita Ajit Awale

... Respondent

**WITH
WRIT PETITION NO. 4157 OF 2003**

The Asst.Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Kiran Sahebrao Bhandalkar

... Respondent

WITH
WRIT PETITION NO. 4817 OF 2003
WITH
CIVIL APPLICATION NO. 1539 OF 2007
WITH
CIVIL APPLICATION NO. 624 OF 2006
IN
WRIT PETITION NO. 4817 OF 2003

The Asst.Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Ashok Ramdas Vavre

... Respondent

WITH
WRIT PETITION NO. 5552 OF 2003
WITH
CIVIL APPLICATION NO. 79 OF 2006
IN
WRIT PETITION NO. 5552 OF 2003

The Asst.Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Nanda Pandurang Devkate

... Respondent

WITH
WRIT PETITION NO. 5554 OF 2003
WITH
CIVIL APPLICATION NO. 3056 OF 2005
IN

WRIT PETITION NO. 5554 OF 2003

The Asst. Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Margaret Ramesh Gaikwad

... Respondent

WITH

WRIT PETITION NO. 3993 OF 2003

The Asst. Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Babi Ramchandra Tupe

... Respondent

WITH

WRIT PETITION NO. 5603 OF 2003

The Asst. Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Dilip Vitthal Mane

... Respondent

WITH

WRIT PETITION NO. 5164 OF 2003

WITH

CIVIL APPLICATION NO. 629 OF 2006

IN

WRIT PETITION NO. 5164 OF 2003

The Asst. Director, Health
Services (Leprosy) And Anr

... Petitioners

Versus

Sarita Vishnu Pawar

... Respondent

Mrs. V. S. Nimbalkar, *AGP for Petitioners-State.*

Mr. Nilesh Desai, *for Respondent.*

Mr. Rajesh Sadashiv Raut, *Chief Administrative Officer, Office : Jt. Div of Health Services (Leprosy & T. B.) Pune.*

CORAM : SANDEEP V. MARNE, J.

DATE : 5 SEPTEMBER 2024.

P.C. :

1) These nine petitions are filed by the Assistant Director and Joint Director of Health Services (Leprosy) challenging the common Judgment and Orders dated 5 March 2002 passed by the learned Member, Industrial Court, Satara, by which the Complaints filed by Respondents have been allowed and Petitioners are directed to continue them in employment and give them permanency after completing the necessary procedure.

2) By Order dated 25 August 2003, this Court has stayed the implementation of the impugned Judgment and Order.

3) When the petitions are called out for final hearing today, Ms. Nimbalkar, the learned AGP places on record communication addressed to her by the Joint Director, Health Services (Leprosy and Tuberculosis) Pune giving latest position of total 12 Complainants, in whose case the impugned common Judgment and Order dated 5 March

2002 is passed by the Industrial Court. The said letter dated 4 September 2024 would indicate out of the 12 Complainants before the Industrial Court, five of them, viz Shri. Shashikant Krushna Sanap, Smt. Nanda Pandurang Devkate, Shri. Dilip Vitthal Mane, Shri. Kiran Sahebrao Bhandalkar, and Smt. Anita Ajit Awale apparently participated in selection process conducted either by the Petitioner or by other organizations and they have secured regular appointments in their respective organizations. Smt. Anjum Ramjan Porbhandarwala has passed away on 14 April 2012. Therefore, grievance *qua* the said six Complainants no longer survives. This leaves six other Complainants.

4) Ms. Nimbalkar would submit that Petitioners have already granted regular appointments to the said six Complainants in view of letter dated 5 October 2023 of Joint Secretary, Government of Maharashtra which reads thus :

क्रमांक : न्यायिक-२०१९/प्र.क्र.३०/आरोग्य-५
०५.१०.२०२३

दिनांक:

प्रति,

आयुक्त,

आरोग्य सेवा तथा अभियान संचालक,

राष्ट्रीय आरोग्य अभियान, मुंबई

विषय:- रिट याचिका क्र. १८८६/२००३ श्री. नारायण किसन थोरात, श्रीमती बेबी रामचंद्र तुपे व इतर विरुद्ध महाराष्ट्र शासन व इतर

संदर्भ :- १) संचालक, आरोग्य सेवा, मुंबई यांचे क्र. संआसे / रिट याचिका क्र. १८८६/२०१३/श्री. थोरात/५६१५-१६/कक्ष-१८,

दिनांक ५.११.२०१८, २५.०९.२०२०, २२.११.२०२१ व १८.०५.२०२२ रोजीचे पत्र

२) मा. औद्योगिक न्यायालय, सातारा यांचे दिनांक ०५.०३.२००२ रोजीचे निकालपत्र

३) मा. कामगार न्यायालय, सोलापूर यांचे दिनांक २९.०७.२००३ रोजीचे निकालपत्र

सहायक संचालक, आरोग्य सेवा (कुष्ठरोग) पुणे, सातारा, अहमदनगर, चंद्रपूर, वर्धा व सोलापूर कार्यालयात एकूण ७ कर्मचारी अवैद्यकीय सहायक व कुष्ठरोग तंत्रज्ञ या पदावर साधारणतः १९९८ पासून हंगामी स्वरूपात कार्यरत होते. सदर कर्मचाऱ्यांच्या हंगामी सेवा सन २००० मध्ये समाप्त करण्यात आल्यामुळे सदर कर्मचाऱ्यांनी खालील प्रमाणे मा. औद्योगिक न्यायालय सातारा व मा. कामगार न्यायालय, सोलापूर येथे मूळ याचिका दाखल केल्या होत्या.

अ.क्र.	नाव	याचिका क्रमांक
१	श्रीमती बेबी रामचंद्र तुपे	युएलपी याचिका क्र. १०९/२००१ पुर्नयाचिका क्र. ३९९३/२००३
२	श्रीमती सरिता विष्णु पवार	युएलपी याचिका क्र. ११०/२००१ पुर्नयाचिका क्र. ३९९३/२००३
३	श्रीमती मागरिट रमेश गायकवाड	युएलपी याचिका क्र. १११/२००१ पुर्नयाचिका क्र. ५५५४/२००३
४	श्रीमती रोहिणी जयंत गायकवाड	युएलपी याचिका क्र. ११४/२००१ पुर्नयाचिका क्र. ३९९९/२००३
५	श्री. नारायण किसन थोरात	युएलपी याचिका क्र. १४०/२००१ पुर्नयाचिका क्र. १८८६/२००३
६	श्री. अशोक रामदास वावरे	युएलपी याचिका क्र. १४९/२००१ पुर्नयाचिका क्र. ५८४६/२००३
७	श्री पांडुरंग रेडे	युएलपी याचिका क्र. २७/२००२

उपरोक्त न्यायालयीन प्रकरणी मा. औद्योगिक न्यायालय, सातारा यांनी दिनांक ०५.०३.२००२ व मा. कामगार न्यायालय, सोलापूर यांनी दिनांक २९.०७.२००३ च्या निकालानुसार उपरोक्त हंगामी कर्मचाऱ्यांच्या सेवा पुढे सुरु ठेवण्याबाबत आदेशित केले आहे.

यानुषंगाने शासनातर्फे अनेक याचिका दाखल केल्या. परंतु त्या याचिकांचा निकालही कर्मचाऱ्यांच्या बाजूने लागला. तसेच मा. सर्वोच्च न्यायालयात केलेले अपीलही फेटाळण्यात आले. तसेच विधी व न्याय विभागाने सुध्दा मा. न्यायालयांच्या आदेशानुसार कार्यवाही करण्याबाबत विभागास कळविले आहे.

२. सबब, प्रस्तुत प्रकरणी आपणांस कळविण्यात येते की, संदर्भाधीन क्र. २ व ३ मधील अनुक्रमे दिनांक ०५.०३.२००२ व २९.०७.२००३ रोजीच्या मा. न्यायनिर्णयाचे अनुपालन करुन अनुपालनकार्य अहवाल शासनास तात्काळ सादर करावा.

Sd/-
(अशोक आत्रास)
सह सचिव, महाराष्ट्र शासन

प्रत - माहिती व आवश्यक त्या कार्यवाहीसाठी अग्रेषित :-

- १) संचालक, आरोग्य सेवा, पुणे
- २) सहसंचालक, आरोग्य सेवा (कुष्ठरोग व क्षयरोग), पुणे

5) The position that remains as of today is that out of the nine Writ Petitions listed before me, the Respondents in following four Petitions have already secured appointments through separate selection process:

(i) **Writ Petition No. 5552 of 2003:** Smt. Nanda Pandurang Devkate is selected in 2003 selection process conducted by Assistant Director of Health Services (Leprosy), Satara and posted at Urban Leprosy Centre, Phaltan.

(ii) **Writ Petition No. 5603 of 2003:** Shri. Dilip Vitthal Mane is selected in 2003 selection process conducted by Assistant Director of Health Services (Leprosy) and working at Urban Leprosy Centre, Jaysingpur, Kolhapur.

(iii) **Writ Petition No. 4157 of 2003:** Shri. Kiran Sahebrao Bhandalkar is selected in 2003 selection process conducted by Assistant Director of Health Services (Leprosy) and appointed at Pimpri Chinchwad, Pune.

(iv) **Writ Petition No. 5553 of 2003:** Shrimati Anita Ajit Awale appointed as Pharmacist in Municipal Corporation of Greater Mumbai.

6) This is how the grievances relating to the Respondents in above 4 petitions no longer survives.

7) So far as the following five Respondents are concerned, appointment Orders are issued to them in view of the letter of Joint Secretary, Government of Maharashtra dated 5 October 2023 :-

(i) **Writ Petition No. 3993 of 2003:** Smt. Baby Ramchandra Tupe is appointed in the office of Assistant Director of Health Services (Leprosy), Satara.

(ii) **Writ Petition No. 5164 of 2003:** Smt. Sarita Vishnu Pawar is appointed in the office of Assistant Director of Health Services (Leprosy), Satara.

(iii) **Writ Petition No. 5554 of 2003:** Smt. Margaret Ramesh Gaikwad was working at Assistant Director of Health Services (Leprosy) and has retired on superannuation on 31 August 2021.

(iv) **Writ Petition No. 3999 of 2003:** Smt. Rohini Jayanath Gaikwad is appointed under Assistant Director of Health Services (Leprosy), Ahmednagar.

(v) **Writ Petition No. 4817 of 2003:** Shri. Ashok Ramdas Vavre is appointed under Assistant Director of Health Services (Leprosy), Vardha.

The appointment orders of the above individuals are placed on record which indicate that they have been granted regular appointments from the dates of their initial engagements.

8) Since the Petitioners themselves have decided to regularize services of some of the Respondents, while the rest of the Respondents

were already regularized/appointed under different selection process, nothing further remains to be adjudicated in the present petitions. Ms. Nimbalkar would however submit that the course of action adopted in the present petition be not treated as precedent to be followed in other cases. Accordingly, it is directed that the course of action adopted by the Petitioners in the present case shall not constitute a binding precedent for any other case.

9) All the Writ Petitions are accordingly disposed of. In view of disposal of Writ Petitions, all pending Civil Applications do not survive and the same are also disposed of.

[SANDEEP V. MARNE, J.]