



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 4140 OF 2020

MEERA SATYAWAN SHINDE
VERSUS
AHMEDNAGAR MUNICIPAL CORPORATION AND ANOTHER

Mr. P. V. Barde, Advocate for the Petitioner
Mr. V. S. Bedre, Advocate for Respondent No.1.

CORAM : R. M. JOSHI, J.

DATE : 18th SEPTEMBER, 2025

P.C. :-

1. By consent of both sides, heard finally at the stage of admission.
2. This Petition takes exception to the judgment and order dated 10/08/2018 passed by the Industrial Court, Ahmednagar in Complaint (ULP) No. 179/2013.
3. Parties are referred to as 'Complainant' and 'Municipal Corporation' for the sake of convenience.
4. The facts which led to the filing of this Petition can be narrated in brief as under:
 - (i) On 01/001/2009 a scheme was floated by the Central Government, namely, 'Survarna Jayanti Yojna' which was implemented by the State Government through Municipal Corporation. It is a case of the Complainant that in order to avoid compliances under Labour Laws, Corporation created fictitious personality and employees working under

the said scheme were shown to be the employees of Societies. It is claimed that the work performed by the employees was supervised and controlled by the Municipal Corporation itself. Petitioner has put in continuous service of 240 days in each preceding year on the ground that the Complainant has put in 240 days of service in each preceding year, status of permanency is claimed.

(ii) It is further case of the Complainant that though the work performed by the Complainant was available, without complying with the provisions of law, the services of the Complainant were decided to be withdrawn. The Complainant, therefore, filed complaint seeking permanency.

(iii) The Corporation caused appearance before the Industrial Court and resisted the claim by filing written statement. It is claimed that the Complainant is a member of Executive Committee of the establishment which was created under 'Suvarna Jayanti Shahari Rojgar Yojna Vibhag' by the Government. There is no dispute made about the fact that the scheme was undertaken with financial assistance of the Central Government and State Government to the extent of 75% and 25% respectively. It is claimed that the appointments made under the said scheme were purely on temporary basis on payment of honorarium and there was no employer employee relationship between the parties.

(iv) The Industrial Court framed issues and answered then in

negative after considering the evidence on record, hence this Petition.

5. Learned Counsel for the Petitioner sought to contend that once there is undisputedly completion of more than 240 days of service by the Complainant, he is entitled to seek permanency in view of the provisions of Clause 4-C of the Model Standing Orders. It is his further submission that undisputedly the work was provided to the Complainant under the said scheme and unless it is shown that it was a temporary in nature, there would be no justification for non grant of permanent status to the Complainant.

6. Learned Counsel for the Corporation supported the impugned order by contending that in view of the judgment of the Division Bench of this Court in case of ***Municipal Council, Tirora and Ors. Vs. Tulsidas Baliram Bindhade and Ors.***¹, the provisions of Clause 4C of the Model Standing Orders have no application to the State Government department as well as the government instrumentality.

7. The present Petition takes exception to the judgment and order passed by the Industrial Court and unless the findings recorded by the Court are shown to be perverse, the Court would be slow in causing any interference therein. In so far as the claim of the Complainant is concerned, though it is claimed that she was appointed to perform regular nature of work and has completed to 240 days of service, in the cross examination she has admitted that she is the

¹ 2016(6) Mh.L.J. 867

Chairman of Kamdhenu Samaj Vikas Sanstha which is registered public trust and the volunteers were employed through this trust to work on honorarium basis. Apart from admission in the oral evidence, order of appointment dated 05/01/2013 also confirms the said fact. Thus, it can be safely held that the engagement of man power for implementation of the scheme was purely on temporary basis and on honorarium. There is nothing on record to indicate any employer-employee relationship being intended to be created between parties.

8. Apart from this, there is no dispute about the fact that the Complainant has not been appointed by following due procedure of law and as such in absence of any such procedure of law being followed and the appointment has been made against clear, vacant and permanent vacant, no right stands created in favour of the Complainant. The Division Bench of this court in case of ***Municipal Council, Tirora and Ors. Vs. Tulsidas Baliram Bindhade and Ors.*** (supra) has held that Clause 4C of Model Standing Orders has no application to the Government department and Government instrumentality.

9. Having regard to the settled position of law by the Division Bench of this Court, this Court finds no perversity in the impugned order. Hence, Petition stands dismissed.

(R. M. JOSHI, J.)

ssp