



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.475 OF 2018

Prakash s/o Pandharinath Dahale
and others

... PETITIONERS

VERSUS

The State of Maharashtra
and others

... RESPONDENTS

.....

Mr. Yogesh K. Bobade, Advocate for petitioners No.1 to 7, 9 & 15
Mr. Shambhuraje Deshmukh, Advocate for petitioners No.8, 10 to 14
Mr. A.R. Kale, A.G.P. for respondent No.1 State
Mr. S.B. Patil, Advocate for respondents No.2 to 4.

.....

WITH

WRIT PETITION NO.477 OF 2018

Pandurang s/o Manikrao Markad,
Died through L.Rs.
Ganesh s/o Pandurang Markad
and others

... PETITIONERS

VERSUS

The State of Maharashtra
and others

... RESPONDENTS

.....

Mr. Shambhuraje Deshmukh, Advocate for petitioners

Mr. S.B. Pulkundwar, A.G.P. for respondent No.1 State
Mr. S.B. Patil, Advocate for respondents No.2 to 4.

.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 8th JULY, 2025

ORDER :

Both these petitions are taken up together for decision since the challenge therein is to the judgment and order dated 21/10/2016, passed by the Maharashtra Administrative Tribunal (MAT) in Original Application, No.259/2001, refusing to grant the petitioners relief of directing the respondent- State to take the petitioners on Converted Regular Temporary Establishment (CRTE) and then absorb them in service.

2. Heard. The learned Advocate for the petitioners would submit that, the petitioners had worked as labourers/ Mukadams on the project of construction of Jayakwadi Dam from 1978 to 1995. The construction work completed in 1995. Thereafter the petitioners have not been given any work. The petitioners, therefore, approached this Court in Writ Petition. The Writ Petition was disposed of by order dated 17/8/2000, directing the petitioners

to approach the MAT. The Public Works Department even prepared the seniority list, wherein the names of the petitioners did not figure. Shri Kalelkar Committee report suggests the daily wage workers, who were in continuous service for more than five years, were to be absorbed in service, first bringing them on CRTE. Our attention has been drawn to the relevant Government Resolution in that regard. The learned Advocates ultimately urged for allowing the Writ Petitions.

3. Learned A.G.P. and learned Advocate appearing for respondents No.2 to 4 support the order impugned herein.

4. We have considered the submissions advanced. Perused the order impugned herein. The MAT, in paragraph No.11 of the order impugned herein observed as follows :

“11. We have closely examined this O.A. and all the exhibits appended to the O.A. by the Applicants. The Applicants have miserably failed to establish that there were regular vacancies to which they are entitled to be absorbed and the Respondents have failed to do so. The Applicants can claim relief only under judgment of this Tribunal dated 23/03/1996 (Exhibit ‘D’). This is clear from order dated 17/08/2000 of Hon’ble High Court in W.P. No.5158/1997. However, the Applicants have not placed any material on record to show that the Respondents have, in any manner, failed to act in

accordance with order dated 27/03/1996. This Tribunal had not ordered that all the persons covered by para 10 of order dated 27/03/1996 should be absorbed in regular service. They were to be absorbed as per their seniority in the list prepared by the Respondents and as and when vacancies occurred. If the vacancies did not occur, there was no occasion for the Respondents to absorb the Applicants. The Applicants have not been able to make out any case which would require our interference.

5. It may be true that, the petitioners to have worked as laboures/ Mukadams for construction of Jayakwadi Dam from the year 1978 to 1995. They were daily waged workers. The construction of the Dam was complete in 1995. Admittedly, the petitioners have not been in service with the respondents post 1995. The Government Resolution dated 24/11/2000 speaks of daily wage labours who rendered continuous service for five years as on 31/12/1998 or who were in such service before 1988 or thereafter, but were retrenched and, therefore, approached Courts of law, whether the proceedings were pending or culminated in their favour. None of these criterion applied to the petitioners herein. As such, the petitioners cannot bank upon the Government Resolution dated 24/11/2000. Government Resolution dated 10/10/1984 speaks of bringing on CRTE daily rate labourers, who have worked for construction of Jayakwadi Dam. Condition No.2 in the

Government Resolution speaks of such employees to make application for the post and they should have requisite qualification and age. There is nothing to indicate any of the petitioners to have had made any application in response to the said Government Resolution.

6. Since the petitioners have not been in the employment even on daily wage post latest by 1988, none of the Government Resolutions referred to hereinabove would be of any assistance for them. The list on record containing the names of the petitioners indicates that they were retrenched during the period from 1984 to 1988. Thereafter none of them was in employment even on daily wages. We, therefore, find the order impugned herein calls for no interference therewith. The Writ Petitions thus fail. The Petitions, therefore, stand dismissed.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-