



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

WRIT PETITION NO. 10225 OF 2025
MANAGING DIRECTOR V.N.V.J VA B.J.V.M. AND OTHERS
VERSUS
RAHUL SHAMRAO KULKARNI

...
AND

...

WRIT PETITION NO. 10242 OF 2025
MANAGINE DIRECTOR VASANTRAO NAIK VIMUKTH JAATI VA
BHATKYA JAMATI VIKAS MAH. AND OTHERS
VERSUS
RAJESH BABRUWAN PAWAR

...
AND

...

WRIT PETITION NO. 10243 OF 2025
MANAGING DIRECTOR VASANTRAO NAIK VIMUKTH JAATI VA
BHATKYA JAMATI VIKAS MAHAMANDAL MARYA AND OTHERS
VERSUS
SAMBHAJI ASHOK MHASKE

...
Advocate for the Petitioners : Mr. Vijay Prabhakarrrao Latange
Advocate for the Respondents : Mr. Sharad V. Natu

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CORAM : ARUN R. PEDNEKER, J.
DATE : 08.10.2025

ORDER:

1. Heard.

2. By the present petitions, the petitioners are challenging the orders dated 20.06.2025, passed by the Member, Industrial Court, Ahmednagar granting benefit of permanency in service to the respondents.

3. The case of the petitioners is that they are the office bearers of the Vasantrya Naik Vimukt Jaati va Bhatkya Jamati Vikas Mahamandal Maryadit (*for brevity* "***Mahamandal***") a Government of Maharashtra undertaking under the provisions of the Indian Companies Act, 1956; as a government company. The petitioners' undertaking is established for providing financial assistance to persons belonging to Vimukt Jatis and Nomadic Tribes at subsidized rates. The respondents in all these matters are stated to be the daily wage employees of the Mahamandal employed at it's establishment.

4. It is stated that the respondents - employees filed complainants before the Industrial Court, Ahmednagar under Section 28(1) read with Item Nos.5, 6, 9 and 10 of Schedule-IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The complainants claimed relief of permanency in service of the Mahamandal on completion of 240 days of their services along with consequential benefits. The respondents / employees are working in the Mahamandal since the year 2013 onwards on the post of Clerk-cum-typist on daily wages. It is stated by the respondents that the respondents / employees were working continuously from the year 2011, 2013 and 2014 respectively and the posts of Clerk-cum-typist are vacant and they

are having requisite qualification for the said posts. It is also stated that on earlier occasions the persons who were working on daily wages on the post of Peon were granted permanency since 01.02.2003 by passing a Resolution by the Board of Directors of Mahamandal. It is stated that, although, the work performed by the employees is permanent in nature, they are continued as daily wager / temporary thereby depriving the status of permanent employees.

5. The petitioners responded to the same and submitted that in view of the law laid down in the case of **Secretary, State of Karnataka and others Vs. Umadevi 2006 (4) SCC 1**, regularization of the respondents / employees / complainants would amount to back door entry on regular posts, which is against the legal principle; as the complainants services being public employment.

6. Having considered the rival submissions and the documentary evidence adduced by the parties, the Industrial Court allowed the ULPs and held that the Mahamandal engaged in unfair labour practices as contemplated under Items 5 and 6 of Schedule 4 of the 1971 Act and the benefit of permanency is granted to the employees from the date of filing of the complaint. The order of the Industrial Court is challenged before this court.

7. The learned counsel for the petitioners submits that the order of the Industrial Court would be contra to the law laid down in the case of **Secretary, State of Karnataka and others Vs. Umadevi** (supra) as it would amount to a back door entry. However, it is not disputed before me that the petitioners are appointed on the sanctioned posts and have been in continuous service from the year 2011, 2013 and 2014 onwards.

8. In the case of **Maharashtra State Road Transport Corporation and another Vs. Casteribe Rajya P. Karmachari Sanghatana 2009 (13) ADDL. S.C.R. 937**, the Hon'ble Supreme Court has observed that Umadevi's case does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU & PULP Act to order permanency of the workers who have been victim of unfair labour practice on the part of the employer under item 6 of Schedule IV where the posts on which they they have been working exists.

9. In the case of **Dharam Singh and others Vs. State of Uttar Pradesh and another, passed in Civil Appeal No.(s).8558 of 2018, dated 19.08.2025**, the Hon'ble Supreme Court has held at paragraph no.17, as under:

"17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and

recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines."

10. It has been admitted that the respondents / employees / complainants are working on approved and sanctioned posts and there are 74 vacant posts with the petitioners / Mahamandal.

11. Undisputedly, the post in the instant case, on which the complainants are working exists. The respondents / employees / complainants are in continuous service for a long period of time i.e. years together as held in the ULPs by the Industrial Court. As such, they cannot be deprived of the status and privileges of permanent employees.

12. It is also not disputed that the similarly placed other respondents / employees / complainants were granted permanency by the board by passing appropriate resolutions.

13. Considering the above, no case is made out for interference.

14. The Writ Petitions stand dismissed.

[ARUN R. PEDNEKER, J.]