



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

WRIT PETITION NO. 712 OF 2017

BALAJI SHAMRAO GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P. B. Patil, Advocate h/f Mr. V. D. Gunale, Advocate for the
Petitioner

Mrs. V. P. Dama, AGP for Respondents/State

...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 02nd DECEMBER, 2025

PER COURT :

1. By this petition, petitioner seeks direction to the respondents to treat his daily wages services from 1985 on regular establishment for the purposes of other consequential service benefits and challenges the order dated 13/04/2025 by which the petitioner's services were treated on regular establishment with effect from 05/02/2004.

2. It is the case of the petitioner that he was appointed on daily wages as a Driver in the year 1985, on clear, vacant, permanent and sanctioned post, in the office of Senior Geologist, Ground Water Survey and Development Agency at Aurangabad. For years together he was kept on daily wages without regularising his services. Petitioner, by filing ULP No.06/1989 along with other employees approached the Industrial Court in the year 1989

claiming permanency. The said complaint was dismissed in default on 11/04/1994. Petitioner and other employees challenged the said dismissal order by filing Writ Petition No.887/1995. During pendency of the said writ petition, Government Resolution dated 24/11/2000 was issued, resolving to regularise the services of persons working on daily wages in terms of Kalelkar Settlement. Pursuant to the said Government Resolution, the petitioner withdrew his petition on the assurance given therein on 05/02/2004. By the impugned order dated 13/04/2015, petitioner's services were regularized with effect from 05/02/2004.

3. Respondents have opposed the petition by filing affidavit-in-reply, thereby justifying the action of regularising petitioner's services from the year 2005 contending that since the petitioner withdrew Writ Petition No.887/1995 on 05/02/2004, from that date petitioner's services were regularized.

4. Heard learned advocate for petitioner and learned AGP for the State. Perused the record.

5. It is not in dispute that the petitioner was appointed as a Driver on daily wages basis in the year 1985 and since then his services are continued. Petitioner's case is squarely covered by the Government Resolution dated 24/11/2000, by which the Government has decided that the daily wages employees who are in services till the date of Government Resolution and have completed

five years continuous service by 31/12/1998, be taken on the converted regular temporary establishment and their services are to be regularized. The said Government Resolution further provides that their services should be regularised on the date of their completion of five years continuous service from the date of their first appointment on the appointed post or on similar post on the converted regular temporary establishment.

6. It is, thus, clear that the services are to be regularised on completion of five years continuous service from the date of appointment of the employees. In the case of the petitioner, he has completed five years continuous service in the year 1990 and therefore, in terms of Government Resolution dated 24/11/2000 the petitioner's services ought to have been regularised with effect from 1990 and/or from the date on which he completed five years continuous service after joining in the year 1985.

7. However, the respondents have erroneously passed the impugned order thereby regularising services of petitioner with effect from 05/02/2004, purportedly on the premise that the petitioner has withdrawn his writ petition on that date. The approach on the part of respondents in passing the impugned order is arbitrary, unreasonable and unsustainable in the facts of the present case and it is contrary to the Government Resolution dated 24/11/2000.

8. In case of similarly situated petitioner in Writ Petition No.3054/2016, his services are regularized from the date of completion of five years continuous service from the first date of his appointment. Hence, the petitioner is entitled for the same relief.

9. In the result, following order :-

ORDER

- (I) The writ petition is allowed.
- (II) The impugned order dated 13/04/2015 passed by the Deputy Director, Ground Water Survey and Development Agency, Aurangabad in जा.क. उपसं/भूसवियं/औ/आस्था-1/रोजंदारी कर्मचारी नियुक्ति/842/2015 is quashed and set aside.
- (III) Respondents are directed to regularise services of the petitioner with effect from 1990 and/or the date on which he has completed five years of continuous services from the first date of his appointment in the year 1985.
- (IV) All the consequential and pecuniary benefits be paid to the petitioner within a period of 12 weeks from the date of uploading of this order.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)