

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

WRIT PETITION NO. 7100 OF 2011

The State Of Maharashtra Through
Dean, General Hospital, Sangli

... Petitioner

Versus

Smt. Bilkish Jabbar Bailiff

... Respondent

Mr. P.G. Sawant, *AGP or Petitioner-State.*

Mr. Nilesh Wable *i/b Mr. Umesh K. Makapure for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 13 MARCH 2025.

P.C. :

1) The Petition challenges Judgment and Order dated 9 March 2011 passed by the Member Industrial Court, Sangli directing grant of permanency to the Respondent with effect from 1 October 1999. The Petition came to be admitted by this Court by order dated 17 November 2011 and the order passed by the Industrial Court came to be stayed. On account of stay granted by this Court 17 November 2011, it appears that the benefit of permanency was actually not granted to the Respondent. However, she continued to work in the Petitioner's Hospital during pendency of the present Petition, albeit as a temporary employee.

2) Mr. Sawant, the learned AGP appearing for Petitioner would place on record copy of order dated 30 December 2015 passed

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by Dean, Vasantdada Patil Government Hospital, Sangli by which 18 temporary employees in the hospital came to be regularized with effect from 7 December 2015. The said order dated 30 December 2015 would indicate that Respondent came to be regularized as Cleaner with effect from 7 December 2015.

3) Since Respondent has already been regularized in service with effect from 7 December 2015, nothing would survive to be adjudicated in the present Petition. All that needs to be done is to bring the impugned order passed by the Industrial Court on par with the regularization order dated 30 December 2015.

4) The Petition succeeds partly. Judgment and order dated 9 March 2011 passed by the Member Industrial Court, Sangli in Complaint (ULP) No. 45 of 2002 shall stand modified to the extent that permanency to the Respondent would be with effect from 7 December 2015 as granted vide order dated 30 December 2015. It appears that the Respondent has already superannuated on 31 December 2020. However on account of pendency of the present Petition, pensionary benefits are not sanctioned to her. Accordingly, the Petitioner is directed to grant all benefits flowing out of order dated 30 December 2015 as well as pensionary benefits payable to Respondent within period of four months.

5) Writ Petition is **partly allowed** in above terms. Rule is made partly absolute. There shall be no orders as to costs.

[SANDEEP V. MARNE, J.]