

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2562 OF 2025

The Chief Officer,
Ratnagiri, Nagar Parishad
Ratnagiri.

... Petitioner

V/s.
Prabhakar Janu Kambale

... Respondent

WITH
WRIT PETITION NO.2563 OF 2025
WITH
WRIT PETITION NO.2565 OF 2025
WITH
WRIT PETITION NO.2566 OF 2025
WITH
WRIT PETITION NO.2567 OF 2025
WITH
WRIT PETITION NO.2568 OF 2025
WITH
WRIT PETITION NO.2569 OF 2025
WITH
WRIT PETITION NO.2570 OF 2025
WITH
WRIT PETITION NO.2571 OF 2025
WITH
WRIT PETITION NO.2572 OF 2025
AND
WRIT PETITION NO.2574 OF 2025

Mr. Rakesh Bhatkar with Ms. Smita Samel, Advocates for the Petitioner.

Mr. Ashwin Pimpale with Mr. Mohit Dalvi, Advocates for the Respondent
No.1 in all petitions.

Mr. J. P. Patil, AGP for the State in WP No.2562 of 2025.

Ms. V. S. Nimbalkar, AGP for the State in WPs No.2563 of 2025 and 2572 of 2025.

Ms. A.A.Nadkarni, AGP for the State in WP No.2565 of 2025.

Ms. Snehal S. Jadhav, AGP for the State in WP No.2566 of 2025.

Mr. R. S. Pawar, AGP for the State in WPs No.2567 of 2025 and 2569 of 2025.

Mr. Hamid Mulla, AGP for the State in WP No.2568 of 2025.

Ms. S.R. Crasto, AGP for the State in WPs No.2570 of 2025, 2571 of 2025 and 2574 of 2025.

CORAM : SANDEEP V. MARNE, J.

Dated : 26 February, 2025.

P.C. :

1. These petitions are filed challenging the orders passed by Labour Court allowing the complaints of unfair labour practice filed by Respondents-employees and setting aside their termination orders. The orders passed by the Labour Court have been upheld by the Industrial Court and accordingly, the Petitioner-Municipal Council has filed the present petitions.

2. I have heard Mr. Bhatkar, the learned counsel appearing for Petitioner-Municipal Council and Mr. Pimpale, the learned counsel appearing for Respondent-employees.

3. After having considered the submissions canvassed by the learned counsel appearing for parties, it is seen that that the Respondent-employees have been appointed in the service of the Municipal Council by virtue of Lad Page Committee recommendations on the following dates:-

	Names	Date of Appointment (Tentative)
1.	Smt. Swapnali Dharmaji Kamble	31/12/2010
2.	Smt. Manisha Mahendra Kamble	13/07/2011
3.	Smt. Sarika Sharad Powar	17/09/2012
4.	Smt. Runali Rakesh Kamble	17/09/2012
5.	Smt. Devyani Siddharth Sawant	17/09/2012
6.	Shri Jogendra Suresh Jadhav	13/07/2011
7.	Shri Dinesh Prabhakar Jadhav	17/10/2011/ 01/04/2009
8.	Shri Sunil Dhondu Lakde	07/11/2009
9.	Shri Prabhakar Janu Kamble	13/07/2011
10.	Shri Baban Bapu Betkar	13/07/2011
11.	Shri Suraj Ravi Pawar	17/09/2012/ 29/01/2011

4. It appears that Respondent-employees are wards/nominees of *Safai Kamgars* working in the Petitioner-Municipal Council. At the time of the retirement of the respective employees, their cases were considered for appointment on compassionate ground as per Lad Page Committee recommendations. Their services were sought to be terminated essentially on account of the Collector's report which found that the original *Safai Kamgars*, of which Respondents are nominees, were not eligible for being covered by scheme of compassionate appointment as per Lad Page Committee recommendations. It was sought to be contended that as per the

circular dated 23rd March 2006, following category of employees were not covered for appointment of their ward on compassionate basis as per Lad Page Committee recommendations:

११	कोणत्या सफाई कर्मचाऱ्यांना वारसा हक्क अनुज्ञेय नाहीत.	१) विहित पद्धतीचा अवलंब न करता नियुक्त केलेले कर्मचारी. २) रोजंदारी कामगारास न्यायालयीन निर्णयामुळे कामावर घेणे. ३) सफाई कामगार पदोन्नती मिळून गट-क (वर्ग ३) मध्ये गेल्यास. ४) सफाई कामगार या पदावर नेमणूक असलेले मात्र सफाई काम न करणारे ५) सेवेतून कमी करणे/ बडतर्फ करणे अथवा स्वेच्छेने राजीनामा देणारा सफाई कामगार ६) सन १९९३ पूर्वीच्या रोजंदारीवरील कर्मचाऱ्यांना विशेष बाब म्हणून सामावून घेतलेले सफाई कर्मचारी.
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5. It is the contention of the Respondents that the original *Safai Kamgars* remained in the service of the Petitioner-Municipal Council either by virtue of Court's orders or they were absorbed in the municipal service as a special case. It is therefore contended that the cases of the Respondents were governed by the eventualities specified in Sr. Nos.2 and 6 of the clarification sought at Sr. No.11 of the Circular dated 23rd March, 2006.

6. In my view it is too late in a day to now determine the eligibility of employees for being governed by the recommendations of the Lad Page Committee. The said employees have long since retired and their wards/nominees have been appointed on compassionate basis from the year 2009 onwards. It would therefore now be too oppressive for the Petitioner-Municipal Council to conduct an inquiry into the eligibility of their parents qua conditions prescribed under report of the Lad Page Committee. Even otherwise once the *Safai Kamgars* got regularized/ absorbed in municipal service, it hardly matters as to how they got regularized/absorbed. Lad

Page Committee recommendations apply to every permanent employee of the Municipal Council. Therefore, it is otherwise futile to conduct an inquiry about the manner in which the concerned employees become permanent in the service of the Municipal Council. By the time termination was proposed, the Respondent-employees have already put in 7/8 years of service. By now they are in service for last more than 15 long years. It is now be too late in a day to terminate their services by adopting a hyper technical approach that their parents were not governed by Lad Page Committee recommendations.

7. In my view therefore, no interference is warranted in the impugned orders passed by the Labour and the Industrial Courts. Having appointed the Respondent-employees after verifying their eligibility, the principles of estoppel and legitimate expectation would apply while seeking to terminate their services after passage of such long period of time. Considering the unique facts and circumstances of the present case, I am not inclined any valid ground to interfere in the orders passed by the Labour and the Industrial Courts.

8. Writ Petitions are devoid of merits and are accordingly rejected without any order as to costs.

(SANDEEP V. MARNE, J.)