

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3281 OF 2025

Union of India & Ors.

.. Petitioners

Vs.

Manisha Ganesh Khopkar

.. Respondent

...

Mr. Neel Helekar a/w Mr. D. P. Singh, Advocates for the Petitioners-
UoI.

Mr. Vishal Shirke for the Respondent.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 10th OCTOBER 2025.

P.C. :

Aggrieved by the order dated 26th March 2023 passed by the Central Administrative Tribunal, Mumbai Bench (in short, Tribunal) in Original Application No. 41 of 2023, the petitioner-Union of India and others have filed this writ petition under Article 226 of the Constitution of India.

2. The learned counsel for the petitioners submits that the Tribunal overlooked the fact that the husband of the respondent had passed away on 1st May 2021 and two years thereafter the original application was filed by the respondent seeking a direction for regularization of her husband. The learned counsel for the petitioners refers to the stand taken by the Union of India before the Tribunal that the husband of the respondent was not engaged directly by the department and he was not entitled for regularization.

3. Briefly stated, the husband of the respondent, namely, Ganesh Khopkar was a casual labour under the Central Excise Department and he was conferred with temporary status on 27th June 1995. This is also a matter of record that a recommendation was made for regularization of the husband of the respondent but before a formal order was issued, he passed away on 1st May 2021. Before the Tribunal, a plea on discrimination was also raised on behalf of the respondent. The Tribunal rendered a finding that, at best, the appointment of the husband of the respondent was irregular but not illegal and he had put in 10 years of service. We further find that there was no challenge to the entitlement of the husband of the respondent to seek regularization except the objection taken by the department that he was not a directly engaged employee. The objection in this regard taken by the department is reflected in paragraph nos. 6, 17 and 18, which read as under: -

“6. With reference to Para 4.4 of the O.A., I say that, late Shri Ganesh G. Khopkar, Casual Labours with Temporary Status (CLTS) was granted temporary status on 27.06.1995 (on completion of 206 days) and as per CAT’s Order dated 19.11.2000 which was upheld by Hon’ble Bombay High Court vide Order dated 24.10.2001. It is submitted that vide letter F.No.II/3-6/Admn/PCCO/GST/2018 dated 18.09.2018, the details of 23 CLTS were forwarded to Directorate General of Human Resource Development (DGHRD), wherein against the name of late Shri Ganesh G. Khopkar the certificate stated that “Shri Ganesh G. Khopkar son of Sh. Ganpat Govind Khopkar, who was not directly engaged by this Cadre Controlling Authority (CCA)”. Whereas, since he had been engaged directly by the CCA, later on the same was informed to the Board as well as DGHRD vide letters issued under F.No.II/3-6/Admn/PCCO/GST/2018 dated 08.03.2019, 28.09/2020, 04.12.2020, 08.02.2021 and vide letter F.No.II/03-14/Admn/PCCO/GST/2020 dated 26-02-2021. (Copies annexed as Annex.R-2(Colly.). Further, it is clarified that in the said details of 23 CLTS forwarded to DGHRD, against the name of Shri Deepak Padaya the certificate stated that “he was directly engaged by this CCA”.

17. With reference to Para 5.5 of the O.A., I say that, the contention of the applicant regarding discrimination between him and Shri Deepak

Padaya is not correct. As already clarified in reply to Para No.4.4 above, Late Shri Ganesh G. Khopkar, CLTS was granted temporary status on 27.06.1995 and Shri Deepak Padaya was granted temporary status on 17.07.1995. It is submitted that vide letter F.No.II/3-6/Admn/PCCO/GST/ 2018 dated 18.09.2018, the details of 23 CLTS were forwarded to DGHRD, wherein against the name of late Shri Ganesh G. Khopkar the certificate stated that "he was not directly engaged by this CCA". Whereas, against the name of Shri Deepak Padaya the certificate stated that "he was directly engaged by this CCA". Accordingly, DGHRD has approved the services of Shri Deepak Padaya for regularization as he was fulfilling the criteria and thus, he was regularized by the CCA as Multi-Tasking Staff (MTS). Therefore, there is no discrimination.

Further, CCA is bound by Nodal Ministry's guidelines/law & rule. The DoPT being the Nodal Department for Central Government Employees has issued instructions through various Oms on the appointment, pay/wages, regularization etc. of Causal Labourers and CCA is bound to follow these instructions.

18. With reference to Para 5.6 of the O.A., I say that, as already clarified in reply to Para 4.4 and 5.5 above, there is no discrimination in regularization of Shri Ganesh G. Khopkar and Shri Deepak Padaya. The CCA vide letter F.No.II/3-6/Admn/PCCO/GST/2018 dated 18.09.2018 had forwarded the details of 23 CLTS to DGHRD, wherein against the name of late Shri Ganesh G. Khopkar the certificate stated that "he was not directly engaged by this CCA". Whereas, against the name of Shri Deepak Padaya the certificate stated that "he was directly engaged by this CCA". Accordingly, DGHRD has approved the services of Shri Deepak Padaya for regularization as he was fulfilling the criteria and thus, he was regularized by the CCA as Multi-Tasking Staff (MTS).

It is further submitted that a proposal for regularization of Shri Ganesh G. Khopkar was under reference with Board. But in the meanwhile Shri Ganesh G. Khopkar, CLTS expired on 01.05.2021 due to Covid-19. Smt. Manisha G. Khopkar w/o Late Shri Ganesh G. Khopkar, CLTS made representation for regularization of her husband Shri Ganesh G. Khopkar, as MTS, so that she or her son can be considered for Compassionate appointment and also she will be eligible for other financial benefits applicable to the family member of the deceased Government Servant. The said representation was sent to DGHRD by the CCA vide letter F.No.II/03-14/Admn/PCCO/ GST/2020 dated 29.06.2021 and reminders were issued on 27.07.2021, 14.09.2021 & 21.03.2022. However, DGHRD vide letter F.No.18013/25/2018-Ad.III.B dated 03.08.2022 informed that the proposal for regularization of retired/expired CLTS have not been concurred by DoP&T, the Nodal Department, as there is no provision of retrospective regularization in the 1993 scheme and directed to the CCA that the claim representation of Smt. Manisha G. Khopkar may be disposed of by way of reasoned and speaking order."

4. The fact that a recommendation for regularization of the husband of the respondent was made is not denied. It is also not

denied that he had put in more than 27 years of service and passed away about three years after the order of regularization in respect of co-employees was issued by the department.

5. Now, in this factual background, we are of the opinion that the objection taken by the department, albeit a technical objection, cannot be a ground to interfere with the order passed by the Tribunal. It was a matter of delay and laches on the part of the department that the order of regularization of the husband of the respondent was not issued in time and for that reason the claim of the respondent could not have been denied.

6. Writ Petition No.3281 of 2025 is dismissed.

7. On the oral prayer made by the learned counsel for the petitioners, we grant three months' time to comply with the impugned order passed by the Tribunal.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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