



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 2626 OF 2024**

- 1) **Anil S/o Keshav Yerne,**  
Aged about 44 years, Occ.-Service,
- 2) **Vishal S/o Sarang Kove,**  
Aged about 46 years, Occ.-Service,
- 3) **Malya S/o Vithoba Atram,**  
Aged about 49 years, Occ.-Service,
- 4) **Sanjay S/o Bhaurao Hemne,**  
Aged about 51 years, Occ.-Service,
- 5) **Soma S/o Budha Atram,**  
Aged about 43 years, Occ.-Service,
- 6) **Lakhan S/o Balakdas Masram,**  
Aged about 28 years, Occ.-Service,
- 7) **Suresh S/o Shalik Meshram,**  
Aged about 46 years, Occ.-Service,
- 8) **Prashant S/o Ramdas Gaidhane,**  
Aged about 41 years, Occ.-Service,
- 9) **Vishwanath S/o Champat Jivtode,**  
Aged about 36 years, Occ.-Service,
- 10) **Rahul S/o Sukhlal Borkar,**  
Aged about 28 years, Occ.-Service,
- 11) **Kailash S/o Antar Gajbhe,**  
Aged about 48 years, Occ.-Service,

- 12) **Ramesh S/o Shriram Bagmare,**  
Aged about 46 years, Occ.-Service,
- 13) **Mohan S/o Hari Meshram,**  
Aged about 59 years, Occ.-Service,

All are office of Nagar Parishad,  
Nagbhid, Tah. Nagbhid,  
District – Chandrapur.

.... **PETITIONERS**

// **VERSUS** //

- 1) **The State of Maharashtra,**  
Through its Secretary,  
Urban Development Department,  
Ministry at Mumbai-400032.
- 2) **Deputy Director,**  
Urban Development Administration,  
Directorate, 3<sup>rd</sup> Floor,  
Sir, Pachkhanwala Marg, Worli,  
Mumbai-440030.
- 3) **The Divisional Commissioner,**  
Nagpur Division, Old Secretariat,  
Civil Lines, Nagpur-440001.
- 4) **The Collector, Chandrapur,**  
Collectorate Compound, Chandrapur,  
Tah. and District – Chandrapur.
- 5) **Chief Officer,**  
Municipal Council, Nagbhid,  
Tah. Nagbhid, District – Chandrapur.

.... **RESPONDENTS**

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Mr. Indrajit G. Meshram, Advocate for Petitioners.  
Mrs. S. S. Jachak, Assistant Government Pleader for  
Respondent Nos. 1 to 4.  
Mr. Atul Mahajan, Advocate for Respondent No.5.

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**CORAM : MRS. M. S. JAWALKAR AND  
RAJ D. WAKODE, JJ.**

**DATE : 10<sup>th</sup> SEPTEMBER, 2025.**

**ORAL JUDGMENT :- (Per : M. S. JAWALKAR, J.)**

1. Heard. **Rule.** Rule is made returnable forthwith.  
Matter is taken up for final hearing at the stage of admission by  
consent of the parties and at the request of parties.

2. By this Writ Petition, the Petitioners seeking  
absorption of their services on the establishment of Municipal  
Council, Nagbhid – Respondent No.5.

3. According to the Petitioners, they were employees of  
the Grampanchayat, which was merged in the Municipal  
Council, Nagbhid on 11/04/2016. They claimed that in view of  
the Government Resolution dated 19/01/2017, it was obligatory  
for the Respondent No.5 - Municipal Council, Nagbhid to frame

staffing pattern and absorb the services of the Petitioners. Instead of merging of Grampanchayat with Respondent No.5 - Municipal Council, Nagbhid, the services of the Petitioners are not taken on the establishment of the Respondent No.5 - Municipal Council, Nagbhid, though there exists vacancies to that effect.

4. On perusal of the Government Resolution dated 19/01/2017, it is clear that the vacancies newly created are required to be filled in by the permanent employees of Grampanchayat before the date of proclamation. The Petitioners failed to demonstrate that there are vacancies available to absorb the daily-wager employees.

5. The learned Assistant Government Pleader drawn our attention to Clause-3 of the Government Resolution dated 19/01/2017, by which, it appears that the proposal by the Grampanchayat of the employees to be absorbed is required to be submitted to the Collector before the date of proclamation. The learned Counsel for the Petitioner submitted that there is a Resolution passed by the Grampanchayat for absorption of daily-

wagers, however, the said proposal is of dated 20/02/2017, whereas the proclamation is issued on 15/06/2015. As such, there is no entitlement to the Petitioners who were admittedly daily-wagers to absorb in the Municipal Council, Nagbhid.

6. The learned Counsel for the Petitioners drawn our attention to Appendix-IV to Section 493, in para 5, of the Maharashtra Municipal Corporation Act, 1949, provides continuation of appointments, taxes, budget estimates, assessments, etc., however, this would apply to the permanent employees, who are receiving regular salary and allowances. It is not applicable in the present set of fact.

7. The learned Counsel for the Respondent No.5 – Municipal Council, Nagbhid submitted that if the Government framed any policy, there are no objection for absorption of the daily-wager employees. However, at present, there is no such policy nor sanctioned post available with the Municipal Council, Nagbhid to absorb the daily-wagers. However, if in future any such vacancies are arise, the Government may consider the claim of the present Petitioners as per provisions of law.

Accordingly, the Petition is devoid of any merit and liable to be dismissed. The Writ Petition stands **dismissed**. No order as to costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

*Kirtak*