



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2464/2023

Dnyaneshwar S/o Jaganath Patshe and others

...Versus...

Sports & Services Directorate, Central Office, Pune – 1 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Shingane, Advocate for petitioners
Mr. S.B. Bissa, AGP for respondent Nos.1 to 3/State

CORAM : ROHIT W. JOSHI, J.

DATE : 13/10/2025

1. The petitioners were appointed on ad hoc basis on different posts with Sports Academy at Amravati. The petitioner No.1 was appointed as a driver initially on 10/04/1997. The petitioner No.2 was appointed on the post of peon initially on 11/05/1998. The petitioner No.3 was appointed as Groundsman on 10/09/1998 on ad hoc basis. The petitioner No.4 was appointed as a Senior Clerk on 14/07/2011 again on ad hoc basis. Likewise petitioner No.5 was appointed on the post of driver on ad hoc basis w.e.f. 27/03/2012. All these petitioners have rendered services on their respective posts as temporary employees. Appointment orders were issued in their favour from time to time for a limited period.

2. Each order of appointment had a fixed time period mentioned. However, it is not in dispute that successive appointment orders were issued from time to time and that

the petitioners continued to work with respondent No.4 till 30/09/2017 where after fresh orders of appointment were not issued in their favour. In such circumstances, the petitioners when they were in service, filed Complaint (ULP) No.11/2015 before the learned Industrial Court alleging unfair labour practice on the part of the respondents under Item Nos.5, 6, 9 and 10 of Schedule-IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The petitioners prayed for regularization of their services. The said complaint which was registered as Complaint (ULP) No.11/2015 came to be dismissed by the learned Industrial Court vide order dated 08/03/2023 which is impugned in the present petition.

3. Mr. Shingane, learned Advocate for the petitioners contends that the Sports Academies were created at different places in the State of Maharashtra as per Government Resolution dated 18/11/1995. He contends that the Government Resolution also provides for approved posts in each sports centre. Learned Advocate states that similar sports centres were established pursuant to the said Government Resolution at Kolhapur, Pune, Aurangabad, Sangli and Thane Districts. He states that in these centres also employees were appointed on ad hoc basis continuously without granting them benefits of regularization in service and permanency. Mr. Shingane, learned Advocate points out from the record that similarly circumstanced employees at Kolhapur, Pune, Aurangabad, Sangli and Thane had filed ULP Complaints, which were allowed by the learned Industrial Court. He points out that the orders passed by the learned Industrial Court are

also confirmed by this Court. Mr. Shingane states that the orders with respect to centres at Kolhapur and Pune are at Exhs. U-120 and U-121 respectively. The orders passed by this Court with respect to centres at Kolhapur and Aurangabad are at Exhs. U-126 and U-127. Mr. Shingane, learned Advocate therefore contends that similar relief ought to have been granted by the learned Industrial Court by allowing the complaint. The learned Industrial Court has rejected the complaint in the present case on the ground that the posts of the petitioners are not sanctioned and therefore, relief of regularization and permanency cannot be granted.

4. Opposing the contention raised by Mr. Shingane, Mr. Bissa, Assistant Government Pleader for the State contends that finding by the learned Industrial Court that there is no sanctioned post is correct. He further contends by placing reliance on the judgment of the Hon'ble Supreme Court in the matter of *State of Odisha and others Vs. Dilip Kumar Mohapatra (Civil Appeal No.14132/2024)* decided on 10/12/2024 that each case must be decided on its own merits. He contends that the judgment by the learned Industrial Court as also this Court in relation to other centres will therefore not be relevant and that the petitioners cannot claim that the complaints filed by them should be allowed on the very ground.

5. Perusal of the judgment dated 11/12/2009 passed by this Court in the matter of *Krida Prabodhini, Kolhapur and another Vs. Shri Ajit Ramchandra Patil and others (Writ Petition No.4044/2009)* will demonstrate that this Court has considered the Government Resolution under which these four

centres have been established and has found that the workmen therein had completed 240 days of service in a calendar year and despite that they were not granted regularization in service. This Court has found that the learned Industrial Court was justified in awarding said relief to the workmen. As regards the procedure for appointment of workers, this Court has observed that the Government Resolution does not specify any particular procedure for filling up the posts.

6. Having perused the said judgment as also the judgment by this Court in relation to Pune centre, wherein also petition filed by the State challenging the order by the learned Industrial Court granting relief of regularization of services is maintained, in my considered opinion, this Court is bound by the authoritative pronouncements in identical matters and therefore, it is not open to take a different view of the matter. It will also be pertinent to mention here that Special Leave Petitions arising out of the said judgments and orders passed by this Court are dismissed by the Hon'ble Supreme Court.

7. As regards judgment in the matter of *Dilip Kumar Mohapatra* (supra), the Hon'ble Supreme Court has held that Article 14 of the Constitution cannot be invoked to enforce negative equality and that right to equality under Article 14 is vested with respect to equality in law and not equality in illegality. The ratio of this judgment, with respect, cannot be made applicable to the facts of the present case where the posts have been specified under a Government Resolution and argument with respect to procedure for appointment in relation to other centres is already rejected by this Court in

identical cases.

8. It is informed that the services of the petitioners are terminated after filing of the substantive complaints challenging the termination of the petitioners.

9. In view of the aforesaid, the impugned judgment and order dated 08/03/2023 passed by the learned Industrial Court, Amravati in Complaint (ULP) No.11/2015 is quashed and set aside.

10. The matter is remanded to the learned Industrial Court to decide the complaint afresh in light of the judgment delivered by this Court in the aforesaid matters pertaining to other centres. The learned Industrial Court shall not take into consideration artificial breaks between two appointment orders while deciding as to whether the petitioners have completed 240 days of service in a calendar year.

11. The parties to appear before the learned Industrial Court on 10/11/2025. Since the complaints are of the year 2015 the learned Industrial Court is requested to decide the complaints at the earliest and in any case on or before 30/06/2025.

12. The writ petition is partly allowed. No order as to costs.

(ROHIT W. JOSHI, J.)