



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

WRIT PETITION NO. 2128 OF 2018

Tejrao Narayan Chavan

.Vs.

State of Maharashtra, through Secretary, Mantralaya, Mumbai and others.

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

Court's or Judge's orders.

Ms S. W. Deshpande, Advocate for the petitioner
Mr N. R. Patil, AGP for respondent Nos. 1 and 2
Mr M. I. Dhatri, Advocate for respondent No.3

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : NOVEMBER 10, 2025.

Heard.

2. It is the case of the petitioner that he was appointed in Gram Panchayat, Barshitakli as 'Safai Kamgar' in the month of March 2002 and he was continued on the said post till his retirement and on conversion of Gram Panchayat, Barshitakli into Nagar Panchayat, Barshitakli on 01.08.2015 he was not absorbed in the Nagar Panchayat, Barshitakli. But the petitioner was allowed to work as a daily wager and not as a permanent employee. Accordingly, the petitioner has filed present petition with the following prayers:

"i. direct the respondents to absorb the petitioner in the Nagar Panchayat Barshitakli on the post of Mokaddam in the pay-scale of Basic Pay 2,610-4,000 and Grade Pay 4,440-7,440-, as the petitioner

was working in Gram Panchayat Barshitakli, with all the benefits of a government employee;

ii. direct the respondent No.2 not to fill up the post of Mokaddam in Nagar Panchayat Barshitakli as the petitioner was working in Gram Panchayat, Barshitakli, by way of interim relief during the pendency of this petition;”

3. The petitioner was discontinued and not allowed to work after attaining the age of 58 years. The reason for not absorbing the petitioner was that there was no resolution of Gram Panchayat, Barshitakli to make him permanent and the resolution, on which the petitioner is relying upon, shows that there is an interpolation in the said resolution in relation to making the petitioner permanent. The original register, having such resolution, is produced before us.

4. On perusal of the original register, having such resolution, *prima facie* we are of the opinion that there is a substance in the submission of the Municipal Council that there is an interpolation. However, since it is disputed by the petitioner, it is a matter of evidence and therefore this Court does not want to observe any positive statement about the interpolation or fabrication of such resolution.

5. However, the fact remains that prima facie there is some interpolation and therefore, we cannot rely upon the said resolution for granting the benefits as prayed in the present petition.

6. The another document on which the petitioner is placing reliance is the proposal submitted to the Government, which is at page No. 40 of the paper book. The chart of the regular employee is given in the said proposal. In the said chart, the name of the petitioner appears at Sr. No. 6. However, there is no date of appointment or the date of resolution, whereby the petitioner was made permanent.

7. In the circumstances, the above referred document is also of no help to the petitioner to claim that he was made permanent while he was working in the Gram Panchayat, Barshitakli.

8. In the circumstances, since the petitioner failed to establish and show undisputably that he was made permanent in the Gram Panchayat, Barshitakli, we do not find any error committed by the respondent No.3 in denying absorption of the petitioner in the Nagar Panchayat, Barshitakli. In the circumstances, we are not inclined to entertain this petition. Accordingly, it is **dismissed**.

9. However, the petitioner is at liberty to approach the Civil Court to establish and prove that in the resolution dated

26.03.2002 there is no interpolation by leading necessary evidence and if such declaration is granted by the Civil Court, the petitioner is further at liberty to make a representation to respondent No.3 on the basis of such declaration for the benefit of absorption.

10. The writ petition stands **disposed of**, accordingly. No order as to costs.

Pending applications, if any, also stand disposed of.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]

Namrata