



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.5585/2007

Kamsingh Somlalsingh Shivande .Vs. Divisional Deputy Director, Ground Water
Survey and Development and Others.

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

Court's or Judge's orders

Mr. O. Y. Kashid, Advocate for petitioner.
Mr. H. R. Dhumale, A.G.P. for respondent Nos.1 and 2.
Mr. T. M. Zaheer, Advocate for respondent Nos. 3 and 4.

CORAM : ANIL L. PANSARE, J.
DATE : FEBRUARY 24, 2025

Heard.

2. The petitioner now represented by legal representatives, was working as Watchman with respondent No.1. His services were terminated on 22.08.1990. Pending petition, the original petitioner expired on 06.08.2012. The Government of Maharashtra vide Government Resolution dated 01.04.2015, resolved to regularize services of 26 daily wage workers, which includes the original petitioner. The Government Resolution has been made applicable with effect from 01.04.2015.

3. The question is whether benefit of the Government Resolution could be extended to the original petitioner. The answer would be certainly in the negative inasmuch as the person who was to be absorbed in the service on 01.04.2015 was not alive. As such, the counsel for petitioner argued that the State Government has sent proposal to regularize services of the original petitioner and, therefore, financial benefit that will flow from the regularization of the services should be awarded to his legal representatives.

4. I am not able to convince myself on this count. Firstly because the proposal is not before the Court to understand whether

the respondents have forwarded proposal knowing fully well about the death of petitioner and whether a conscious decision was taken to regularize services of a dead person for extending financial benefits. Rather, the Government, in its reply, has stated that the benefit of Government Resolution were not extended in the lifetime of deceased Ramsingh – original petitioner. Therefore, the benefits flowing from the said Government Resolution cannot be extended to the petitioner.

5. That being so, I do not find any substance in the petition viz. to extend benefits of services to original petitioner. With death of petitioner, his claim for regularization of service stood abated. In any case, the Government Resolution under question is made applicable with effect from 01.04.2015, the date on which the original petitioner was not even alive. The writ petition is accordingly dismissed. Rule is discharged. No order as to costs.

(Anil L. Pansare, J.)