

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 336 OF 2025

The Chief Executive Officer,
Zilla Parishad, Jalna, Tq. & Dist. Jalna
Through it's Sub-Divisional Officer,
Minor Irrigation, Zilla Parishad,
Sanjay s/o Dattatraya Modwan
Age : 56 yrs, Occ : Service,
As A Sub Divisional Officer,
Sub Division, Partur, Dist. Jalna
Zilla Parishad Jalna.

..Petitioner

VERSUS

1. Munjaba s/o Janardhan Kale
Age : 49 yrs, Occ : Service,
R/o. Limboni, Post Pimparkhed,
Tq. Ghansawangi, Dist. Jalna
2. The Secretary
Village Development and Irrigation Department
Mantralaya Mumbai.

..Respondents

...

Mr. M.S. Taur, Advocate for Petitioner
Mr. G.V. Londhe, Advocate for Respondent No.1.
Mr. K.B. Jadhavar, AGP for Respondent-State.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 24, 2026

FINAL ORDER :-

1. The Petitioner/Zilla Parishad impugns order dated 28.02.2022 passed by Industrial Court, Jalna in Complaint (ULP) No.79 of 2016, whereby Petitioner/Zilla Parishad is directed to place respondent/complainant on Converted Regular Temporary Establishment (CRTE) with effect from date of which he has completed five years of service and pay consequential benefits in

accordance with terms and conditions of CRTE within four months from date of order.

2. The respondent has been appointed as Watchman under establishment of Zilla Parishad on Minor Irrigation, Sub-Division, Jalna. Thereafter, he was transferred to Partur. Since 1997, the respondent is in continuous service. In the year 2016, respondent filed Complaint (ULP) No.79 of 2016 before Industrial Court, Jalna alleging unfair labour practice against petitioner and sought benefit of permanency/CRTE. The Industrial Court, Jalna allowed complaint vide impugned order dated 28.02.2022. Hence, this writ petition.

3. Mr. M.S. Taur, learned advocate appearing for petitioner submits that initial appointment of respondent was not in accordance with law. The permanent post was not sanctioned on establishment of Zilla Parishad. There is no evidence to show that respondent has rendered continuous service by which he secured eligibility for CRTE or for permanent posting. Industrial Court misapplied provisions contained in Government Resolution dated 24.04.2001 in facts of present case. The government resolution was issued in pursuance to Kalelkar Settlement only for benefit of employees, who have rendered continuous service of five years upto 31.12.1998. He would, therefore, urge that impugned order is not sustainable in law.

4. Per contra, Mr. Londhe, learned advocate appearing for respondent no.1 supports impugned order. He would submit that

applicability of Government Resolution dated 24.04.2001 cannot be disputed. Even Government Resolution of 1974 is enforced for last five decades. The daily wager employees who have worked for five consecutive years are entitled for benefit of Kalelkar Settlement by virtue of which they are to be brought on CRTE. The employee who completes consecutive five years service on CRTE is entitled for regular employment. The Industrial Court has rightly considered relevant factors and issued necessary directions by allowing complaint.

5. Having considered submissions advanced by learned advocates appearing for respective parties and perusal of reasoning adopted by Industrial Court, it can be observed that respondent was appointed in the year 1997 as Watchman. Since 1998, he continuously served on establishment of petitioner. He has completed service of more than ten years. As such, he was entitled to be brought on Converted Regular Temporary Establishment (CRTE) as per Kalelkar Settlement. The Industrial Court observed that petitioner has rendered services of more than 240 days each year since date of his appointment.

6. It is not disputed before this Court that employees who are in continuous service as daily wagers or temporaries for more than five years, are required to be brought on CRTE.

7. Government Resolutions dated 10.07.1974, 24.11.2000 and 24.04.2001 are in line of policy framed in terms of Kalelkar Settlement. Pertinently, during course of evidence, the witness of petitioner admitted that proposals of respondent for bringing him on CRTE was forwarded to government. This Court in case of ***Zilla Parishad, Aurangabad Vs. State of Maharashtra*** reported in ***2017 (2) Mh.L.J. 837*** took a view that employees who have completed five years or more years of continuous service under Zilla Parishad are entitled for regularization by bringing them on CRTE as per Kalelkar Settlement Award. The aforesaid decision squarely applies to facts of present case.

8. Although, respondent's appointment cannot be termed as regular, but it cannot be said to be illegal. His services are availed continuously for a period of 20 years. He was transferred to various departments. The respondent has even maintained his service book and availed his continuous services for years together as temporary employee without granting benefit of permanency. The Industrial Court has rightly held that it amounts to unfair labour practice under Item 6 of Schedule-IV of MRTU and PULP Act, 1971 on part of petitioner, particularly when such benefit is available to employees who have completed five years of service as on 31.12.1998. Pertinently, record shows that Petitioner/Zilla Parishad had forwarded proposal for granting benefits to respondent in terms of order passed

by Industrial Court. However, Deputy Secretary (Administration), Aurangabad Division communicated that because of pendency of present writ petition, proposal cannot be considered. Apparently, present writ petition is treated as impediment in granting benefit in favour of petitioner. In that view of matter, writ petition sans merit, hence, dismissed.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//