

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 258 OF 2026

Godawari Ganpat Zangade

VERSUS

The State Of Maharashtra Through Its Secretary And Another

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Mr. P V. Balkhande holding for Mr. Mukund Ambedkar &
Mukul M. Deshmukh - Advocate for the Petitioner
Mr. S. K. Tambe - AGP for the State

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : 09TH FEBRUARY, 2026

PER COURT : -

1. Learned Advocate Mr. P. V. Balkhande holding for Mr. Mukund Ambedkar & Mr. Mukul M. Deshmukh for the Petitioner, seeks accommodation stating that Mr. Mukund Ambedkar is out of station. In fact, there are two advocates on record, one is Mr. Mukund Ambedkar and the other is Mr. Mukul M. Deshmukh. When we asked about Mr. Mukul M. Deshmukh, the learned Advocate, who is present before this Court, is unable to give any answer.

2. We have considered the Petition. The Petitioner was appointed on daily wages from 12.08.1991 by office order dated 14.08.1991 as a Teacher and posted at Kranti Nagar School, Parbhani. She was under the employment of Respondent No. 2 till her retirement

on 30.06.2024. The Petitioner states that she was periodically continued by various orders dated 12.04.1992, 19.10.1993, 11.11.2006, and 14.08.1993, and she worked in different sectors and has been paid equal payments. She came to be made a permanent employee by order dated 15.12.2018. The Petitioner states that, though she was employed on daily wage, her services were without break. She intends to rely upon the decision of the Hon'ble Apex Court on the point that if a pure and clear vacancy is available with the department, the employee who has been appointed on a temporary basis needs to be confirmed as a permanent employee in the same department and the monetary benefits and service benefits should be granted to such employee. According to the Petitioner, Respondent No. 2-Corporation has not considered the services of the Petitioner as a daily wage worker, and the monetary benefits have not been given, which is bad in law and contravenes the provisions in the Industrial Disputes Act as well as the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. She has, therefore, prayed for directions to Respondent No. 2 for payment of gratuity, provident fund, pension, leave encashment from the date of her appointment till the date of retirement, along with interest at the rate of 9% per annum from the date of retirement till its actual realization.

3. The facts are clear as per her own contention. She came to be appointed on an honorarium or daily wages of Rs. 400/- on

12.08.1991 by office order dated 14.08.1991, and the subsequent orders have not been annexed by which the Petitioner was continued in service. It appears that, till her date of retirement, she has not made any kind of representation. When she made a representation, the same was answered by Respondent No. 2 on 25.06.2025 stating that since she was on an honorarium or daily wage from 10.03.1993 to 27.03.2010, the benefits as prayed for cannot be given. Further, after 28.03.2010 to 14.12.2018, there ought to have been a contribution as per the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The data has been called from the concerned department, and it was informed that such contribution was not paid, the inquiry is going on, and after the completion of the inquiry, she would be communicated the decision. It has been reiterated that the Petitioner came to be made permanent on 15.12.2018 and, therefore, she is not entitled to the pensionary benefits. Even the contribution in respect of the National Pension Scheme was not made, and therefore, that also cannot be given to her. Now, when such facts were communicated, except as regards the provident fund, there appears to be nothing. When her appointment itself was on honorarium or daily wage, the subsequent orders ought to have been used as to when she was brought under the pay scale category. It appears that she never ever objected or made a representation to the employer at any point of time till her retirement.

4. Under such circumstances, we cannot travel beyond the service rules that were applicable. Under such circumstances, we are of the opinion that the Petition has not been properly drafted as well as supported by proper documents and, therefore, it cannot be entertained. The Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

SG Punde