

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 451 OF 2026

Mohol Nagar Parishad, Mohol,
Through its Chief Officer,
having office at Opposite Mohol
Police Station, District Solapur

.. Petitioner

Versus

Sou. Manjusha Rajendra Mali ,
Age 40 years, Occu. Service,
Residing at Gavtya Maruti Chowk,
Taluka Mohol, District Solapur

.. Respondent

Mr. Sarang S. Aradhye, Advocate for Petitioner :

CORAM : SACHIN S. DESHMUKH, J.

DATE : 27-04-2026

PER COURT:-

1. The petitioner assails order dated 30.06.2025, passed by the Industrial Court, Solapur, partly allowing the Complaint (ULP) No.6 of 2017. The impugned order directs the petitioner to appoint the respondent to a permanent post, effective from the completion of 240 days of service, and to pay the resulting pay-scale differences within two months.

2. Formerly, the Grampanchayat converted into a Municipal Council on 11.05.2015. The respondent joined service as a Clerk on 14.08.2002. It is case of the respondent that despite continuous service for over two decades without any break, the

petitioner failed to grant permanency, while other similarly situated employees including many junior to the respondent, were regularized. The respondent alleged unfair labour practices under the Industrial Employment (Standing Orders) Act, 1946.

3. Learned counsel for the petitioner submits that the learned Member, Industrial Court erred in granting permanency solely on the completion of 240 days, which is not a vested right. The respondent was a purely contractual/temporary appointee of the erstwhile Grampanchayat, and no due process (advertisement or written examination) was followed by then Grampanchayat an appointing body. The respondent allegedly lacks prescribed qualifications.

4. Having heard the Learned counsel for the petitioner, it is admitted that the respondent-employee has served for more than 240 days, a factual finding that has been upheld and consistently observed by the court below. The Municipal Council, as the successor body, remains bound by the obligations of the erstwhile Grampanchayat in the dint of Section 165 of the Maharashtra Regional and Town Planning Act, 1966. The petitioner's contention regarding the 'temporary' nature of the appointment cannot be sustained at this belated stage, as the transition of a local authority does not extinguish the accrued rights of its long-serving workforce.

5. Following the principles laid down by the Hon'ble Supreme Court in ***Bhola Nath Vs. State of Jharkhand 2026 INSC 99***, the State cannot perpetually staff sanctioned posts under a 'contractual' or 'temporary' label to avoid granting statutory benefits. The Court observed that where an employee is recruited serves for a decade, the State, as a model employer, is prohibited from using contractual nomenclature as a shield to justify arbitrary discontinuance or to deny regularization.

6. It is a settled position of law that the transition from a rural to an urban local body does not extinguish the service rights of existing staff or permit the successor Council to disown a long-term employee by citing technicalities of a recruitment process that occurred over two decades ago in the dint of saving clause.

7. The Hon'ble Apex Court has placed a clear embargo on perpetual *ad-hocism*, recognizing that indefinite temporary contracts infringe upon the dignity and legal entitlements of employees. As a model employer, the State is under a constitutional and statutory obligation to recognize the rights of employees who have rendered long-standing, uninterrupted, and satisfactory service. This obligation is rooted in the doctrine of legitimate expectation.

8. The State and its instrumentalities, unlike the petitioner, the Municipal Council, must not weaponize their dominant position to

exploit the unequal bargaining power of workers. A culture of "*ad-hocism*," where employees remain in a state of perpetual uncertainty despite the permanent nature of their work, is unacceptable in a society governed by the rule of law and the principles of a welfare state.

9. The petitioner, being State instrumentality under Article 12 of the Constitution of India, is expected to function as a model employer. The practice of utilizing long-term contractual or temporary appointments to perform work of a perennial nature is a clear bypass of the mandate of regularization. To permit the State to exploit the vulnerability and unequal bargaining position of an employee who has rendered continuous service for decades would be a flagrant breach of the principles of equity and fair play enshrined under Article 14 of the Constitution.

10. In light of the aforesaid principles, the Petitioner Council's attempt to raise technical recruitment hurdles after two decades of utilizing and exploiting the respondent's services is a classic case of a domineering position and an unfair labour practice. In the instant case, the Petitioner squarely falls within the ambit of "State" under Article 12 of the Constitution of India. As a "Model Employer," it cannot indefinitely keep an employee in a state of precariousness or use a "contractual" label as a shield to bypass constitutional protections.

11. As far as the council's assertion of recruitment flaws is concerned, such a plea must be rejected at the threshold. It is not open to an employer to question the appointment process after twenty years of satisfactory performance. The doctrine of acquiescence need to be upheld as the Employer cannot suddenly discover 'irregularities' to avoid its obligations as a model employer after two decades of silence.

12. Since the findings of the Industrial Court regarding continuous service remain undisturbed, this Court finds no perversity or jurisdictional error in the impugned order. The petition being devoid of merits, therefore, the writ petition deserves to be to be dismissed. Hence, the order:-

ORDER

- (i) The writ petition is dismissed.
- (ii) The petitioner-Municipal Council is directed to comply with the Industrial Court's order within a period of four weeks from today.
- (iii) Considering the undue technical hardships caused to the employee, the petitioner is directed to pay the costs of Rs.25,000/- (Rs.Twenty Five Thousand) to the respondent, within two weeks from today.

[SACHIN S. DESHMUKH, J.]