

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

WRIT PETITION NO. 9177 OF 2025

Makrand Uttam Kalekar

VERSUS

Kolhapur Municipal Transport And Others

...

Advocate for Petitioner : Mr. Mayuresh Nagle

Advocate for Respondent : Abhijit Adagule, Abhijit Adagule

For Res No 1 To 3

...

WITH WRIT PETITION NO. 9161 OF 2025

Sambhaji Shankar Desai

VERSUS

Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 1223 OF 2021

The Kolhapur Municipal Transport Kolhapur Through Addl. transport
Manager Sanjay S. bhosale

VERSUS

Makrand Uttam Kalekar And Another

...

WITH WRIT PETITION NO. 757 OF 2023

The Kolhapur Municipal Transport , Kolhapur Through Addl.
Transport Manager Shri. Sanjay S. Bhosale

VERSUS

Vishal Ambadas Lavhate And Another

...

WITH WRIT PETITION NO. 14202 OF 2022

The Kolhapur Municipal Transport, Kolhapur Through Addl
Transport Manager Sanjay S Bhosale

VERSUS

Shri. Tanaji Aatmaram Patil And Another

...

WITH WRIT PETITION NO. 10095 OF 2025

Mahadev Dynanu Patil

VERSUS

Kolhapur Municipal Transport And Others

WITH WRIT PETITION NO. 9180 OF 2025

Abdulrashid Abdulmajid Pathan
 VERSUS
 Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 10099 OF 2025

Prakash Annappa Gurav
 VERSUS
 Kolhapur Municipal Trasport

...

WITH WRIT PETITION NO. 9175 OF 2025

Santosh Anandrao Hawal
 VERSUS
 Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 9176 OF 2025

Uday Balaso Kamble
 VERSUS
 Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 14199 OF 2022

The Kolhapur Municipal Transport Kolhapur Through Addl.transport
 Manager S.S.Bhosale
 VERSUS
 Ramdas Shravan Lande And Others

...

WITH WRIT PETITION NO. 3591 OF 2021

The Kolhapur Municipal Transport Kolhapur Through Addl.transport
 Manager S.s.bhosale
 VERSUS
 Balaso Kondiba Sawant And Another

...

WITH WRIT PETITION NO. 1262 OF 2021

The Kolhapur Municipal Transport, Kolhapur
 VERSUS
 Shri. Pravin Narayan Jadhav And Another

...

WITH WRIT PETITION NO. 134 OF 2021

The Kolhapur Municipal Transport , Kolhapur
VERSUS
Shri. Chandrakant Maruti Latake And Another

...

WITH WRIT PETITION NO. 10100 OF 2025

Raghunath Pandurang Biranje
VERSUS
Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 992 OF 2023

The Kolhapur Municipal Transport , Kolhapur Through Addl.
Transport Manager Shri. Sanjay S. Bhosale

VERSUS

Amarsing Mohansing Rajput And Another

...

WITH WRIT PETITION (STAMP) NO. 3282 OF 2020

The Kolhapur Municipal Transport, Kolhapur
VERSUS

Shri. Anil Sharad Chavan And Another

...

WITH WRIT PETITION NO. 14211 OF 2022

The Kolhapur Municipal Transport, Kolhapur
VERSUS

Shri. Rajan Shridhar Narvekar And Another

...

WITH WRIT PETITION NO. 991 OF 2023

The Kolhapur Municipal Transport, Kolhapur Thru Addl Transport
Mangar Shri. Sanjay S. Bhosale

VERSUS

Shri. Abdulrashid Abdulmajid Pathan And Another

...

WITH WRIT PETITION NO. 12226 OF 2023

The Kolhapur Municipal Transport , Kolhapur
VERSUS

Shri. Namdeo Pandurang Gundale And Another

...

WITH WRIT PETITION NO. 4641 OF 2023

The Kolhapur Municipal Transport , Kolhapur
VERSUS

Shri. Uday Balaso Kamble And Another

...

WITH WRIT PETITION NO. 9886 OF 2023

The Kolhapur Municipal Transport, Kolhapur

VERSUS

Shri. Satish Pandurang Mandarekar And Another

...

WITH WRIT PETITION NO. 3592 OF 2021

The Kolhapur Municipal Transport, Kolhapur, Through, The Addl.
Transport Manager, S. S. Bhosale

VERSUS

Satish Bhimrao Powar And Another

...

WITH WRIT PETITION NO. 14142 OF 2022

The Kolhapur Municipal Transport , Kolhapur

VERSUS

Shri. Santosh Anandrao Hawal And Another

...

WITH WRIT PETITION NO. 9179 OF 2025

Vishal Ambadas Lavhate

VERSUS

Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 10096 OF 2025

Dattatry Shamrao Naik

VERSUS

Kolhapur Municipal Transport

...

WITH WRIT PETITION NO. 4404 OF 2021

The Kolhapur Municipal Transport, Kolhapur

VERSUS

Shri. Raghunath Pandurang Biranje And Another

...

WITH WRIT PETITION NO. 1415 OF 2021

The Kolhapur Municipal Transport, Kolhapur

VERSUS

Shri. Mahadev Dynanu Patil And Another

...

WITH WRIT PETITION NO. 3593 OF 2021

The Kolhapur Municipal Transport, Kolhapur Through, The Addl.
Transport Manager, S. S. Bhosale

VERSUS

Shri. Prakash Annappa Gurav And Another

...

WITH WRIT PETITION NO. 5325 OF 2021

The Kolhapur Municipal Transport, Kolhapur,through, The. Addl.
Transport Manager

VERSUS

Shri. Sambhaji Shankar Desai And Another

...

WITH WRIT PETITION NO. 9178 OF 2025

Tanaji Atmaram Patil

VERSUS

Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 9191 OF 2025

Anil Sharad Chavan

VERSUS

Kolhapur Municipal Transport And Others

...

WITH WRIT PETITION NO. 9157 OF 2025

Rajan Shridhar Narvekar

VERSUS

Kolhapur Municipal Transport

...

WITH WRIT PETITION NO. 14009 OF 2022

The Kolhapur Municipal Transport, Kolhapur

VERSUS

Shri. Dattatreya Shamrao Naik And Another

...

WITH WRIT PETITION NO. 1050 OF 2026

Ramdas Shravan Lande

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1053 OF 2026

Bhagwan Dagadu Dhanawad (Deceased) through
its Heir (A) to (c)

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1054 OF 2026

Pandurang Aananda Thokal

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1055 OF 2026

Subhash Govind Langi

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1056 OF 2026

Shantaram Vitthal Gavari

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1057 OF 2026

Kashinath Pandurang Kothere

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1051 OF 2026

Govind Sitaram Shelkae

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1058 OF 2026

Balu Anna Hile

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1103 OF 2026

Pravin Narayan Jadhav

VERSUS

Kolhapur Municipal Transport and others

...

WITH WRIT PETITION NO. 1104 OF 2026

Chandrakant Maruti Latake

VERSUS

Kolhapur Municipal Transport and others

...

Mr. Mayuresh Nagle, Mr. Vidyasagar S. Chavan, Mr. Rajvardhan S. Rane, Mr. Gurubala Birajdar and Mr. Aditya S. Raktade, Advocates for Petitioners/complainant (Employees) in Writ Petitions No.9177 of 2025, 9161 of 2025, 10095 of 2025, 9180 off 2025, 10049 of 2025, 9175 of 2025, 9176 of 2025, 10100 of 2025, 9179 of 2025, 10096 of 2025, 9178 of 2025, 9191 of 2025, 9157 of 2025, 1050 of 2026, 1053 of 2026, 1052 of 2026, 1054 of 2026, 1055 of 2026, 1056 of 2026, 1057 of 2026, 1051 of 2026, 1058 of 2026, 1103 of 2026 and 1104 of 2026; and Respondents in Writ Petitions No. 1223 of 2021, 757 of 2023, 14202 of 2022, 14199 of 2022, 3591 of 2021, 1262 of 2021, 134 of 2021, 992 of 2023, (ST) 3282 of 2020, 14211 of 2022, 991 of 2023, 12226 of 2023, 4641 of 2023, 9886 of 2023, 3592 of 2021, 14142 of 2022, 4404 of 2021, 1415 of 2021, 3593 of 2021, 5325 of 2021, 14009 of 2022;

Mr. Abhijit M. Adagule, Advocate and Ms. Ketaki Patil, Advocate for Petitioners in Writ Petitions No. 1223 of 2021, 757 of 2023, 14202 of 2022, 14199 of 2022, 3591 of 2021, 1262 of 2021, 134 of 2021, 992 of 2023, (ST) 3282 of 2020, 14211 of 2022, 991 of 2023, 12226 of 2023, 4641 of 2023, 9886 of 2023, 3592 of 2021, 14142 of 2022, 4404 of 2021, 1415 of 2021, 3593 of 2021, 5325 of 2021, 14009 of 2022; and, Respondents in Writ Petitions No. 9177 of 2025, 9161 of 2025, 10095 of 2025, 9180 off 2025, 10049 of 2025, 9175 of 2025, 9176 of 2025, 10100 of 2025, 9179 of 2025, 10096 of 2025, 9178 of 2025, 9191 of 2025, 9157 of 2025, 1050 of 2026, 1053 of 2026, 1052 of 2026, 1054 of 2026, 1055 of 2026, 1056 of 2026, 1057 of 2026, 1051 of 2026, 1058 of 2026, 1103 of 2026 and 1104 of 2026

CORAM : SACHIN S. DESHMUKH, J.

DATE : 27-04-2026

PER COURT:-

1. These writ petitions, presented under Articles 226 and 227 of the Constitution of India, raise an exception to the orders

rendered by the Industrial Court, Kolhapur, in individual complaints involving the status and privileges of permanency. While the Petitioner-employee challenges these orders to the extent that the grant of permanency was made subject to the availability of "immediate vacancy and reservation" despite categorical findings of unfair labour practices, the Respondent-employer, the Kolhapur Municipal Transport has filed its own set of petitions to challenge the grant of even the limited relief directed by the Industrial Court.

2. Since all these writ petitions involve a common question of law and arise out of similar sets of facts and findings, are heard together and disposed of by this common judgment. For the purpose of adjudication, Writ Petition No. 9177 of 2025 (arising out of Complaint (ULP) No. 08 of 2013) as the lead petition.

3. The Petitioner-employees were initially engaged by the Kolhapur Municipal Transport (hereinafter referred to as "the Municipal Transport") on daily wages or as *badli* workers. It is their collective case that they have continuously rendered service for more than 240 days in each year against clear vacancies. Despite such prolonged service, the Municipal Transport continued them for years without the status and privileges of permanency. The Industrial Court, in its findings, rightly characterized this practice

as unjust and a clear commission of unfair labour practices under Items 5 and 6 of Schedule IV of the MRTU & PULP Act, 1971.

4. However, despite recording categorical findings that the Municipal Transport had engaged in unfair labour practices, the Industrial Court, in its operative order, made the grant of permanency, however, upon the “availability of immediate vacancy and reservation”. The petitioner-employees are aggrieved by this specific observation, contending that such a caveat effectively renders redundant the relief granted, especially since the Court had already observed that they were working on clear vacant posts for over a decade.

5. Simultaneously, the Municipal Transport has challenged the very same orders, primarily disputing the Industrial Court’s conclusion that it committed unfair labour practices. It is the contention of the Municipal Transport that the grant of even limited relief was unjustified.

6. Learned Counsel for the Petitioner-employees submits that once the Industrial Court arrived at a definitive finding of fact, specifically that the employees had completed 240 days of continuous service and that vacant posts were indeed available, there was no legal justification to grant the relief of permanency conditional. It is further submitted that by subjecting the grant of

permanency to "immediate vacancy and reservation," the Industrial Court has effectively permitted the Municipal Transport to continue its unfair labour practices under the guise of administrative procedure, thereby rendering the protection of the MRTU & PULP Act, 1971, illusory.

7. Learned counsel for the Municipal Transport submits that the Industrial Court exceeded its jurisdiction while directing the grant of permanency, as such appointments are subject to strict administrative aspects i.e. the availability of sanctioned posts and adherence to reservation policies. It is further contended that the employees were engaged only as *badli* or daily wagers to meet exigencies and, therefore, do not have a vested right to regularization. Thus, the court below has erred while holding that the Municipal transport committed any unfair labour practices.

8. Having considered the rival submissions and scrutinized the record, it is evident from the findings of fact rendered by the Industrial Court that the petitioner/employees have been in the continuous service of the Municipal Transport, since past several years. The record indicates that these employees have completed 240 days of service in each year and have been performing duties on posts that the Industrial Court found to be clearly vacant. Despite this continuous tenure and the availability of work, they

have been maintained on the rolls as *badli* or daily wage workers for over a decade.

9. It is further observed that while the Industrial Court rendered a categorical finding that the action of the Municipal Transport in continuing these employees for years together amounts to an unfair labour practice, however, restricted the grant of permanency making it subject to the availability of "immediate vacancy and reservation." This creates a clear contradiction within the impugned order, as the Court had already arrived at a conclusion in its findings that the posts in question were indeed vacant and that the employees were/are being deprived of their rightful status.

10. The Hon'ble Apex Court, in the case of ***Bhola Nath Vs. State of Jharkhand, 2026 INSC 99***, underscored the constitutional imperative of the State's action or lack thereof, in failing to recognize the continuous service of employees for regularization. Such inaction was found to be inherently arbitrary and violative of the mandate of Article 14 of the Constitution of India. The Hon'ble Apex Court reaffirmed that the State, as a "model employer," is saddled with a heightened obligation to act with probity, fairness, and candour. It bears a social responsibility to preserve the dignity of its workforce and is strictly prohibited

from exploiting the vulnerability, helplessness, or unequal bargaining position of its employees.

11. The Hon'ble Apex Court further examined the engagement of the employees on the anvil of fundamental rights and the doctrine of waiver. Although the initial appointments were temporary and governed by annual extensions, the fact remains that these extensions persisted for over a decade. The Apex Court observed that such a prolonged period of temporary service creates a legitimate expectation of permanence. Consequently, the refusal to grant regularization has been regarded as an arbitrary exercise of power warranting judicial interference. The Apex Court reiterated that Article 14 casts a non-negotiable obligation upon the State to treat all persons equally, and these fundamental rights, by their very nature, are incapable of being waived by the individual.

12. Further, the Hon'ble Apex Court held that where State action is in violation of Article 14 of the Constitution, the mere fact that an engagement is governed by contractual terms cannot be construed as a waiver of fundamental rights. The "contractual" label does not provide a shield for the State and its authorities to bypass constitutional protections. Addressing the limits on perpetual contractual engagements, the Hon'ble Apex Court

effectively endorsed the entitlement of employees who have dedicated more than a decade of service to the State, holding that the State cannot indefinitely keep employees in a state of uncertainties.

13. Once the fact of continuous service and available vacancies is established, the conduct of the State/Corporation must be tested against the standards expected of a Model Employer. The State is not a private employer driven by profit motives; it is a Welfare State bound by the constitutional mandate of fairness, probity, and social responsibility under Article 14 of the Constitution. As a Model Employer, it is under an obligation to ensure that its employment practices are free from arbitrariness and exploitation.

14. Recently, cautioned by the the Hon'ble Apex Court, in the case of ***Shripal vs. Nagar Nigam, Ghaziabad, 2025 SCC Online SC 221***, and ***Vinod Kumar and others vs. Union of India and others, (2024) 9 SCC 327 :: 2024 INSC 332***, the decision in the case of ***Secretary, State of Karnataka v. Umadevi. (2006) 4 SCC 1***, cannot be used as a shield to perpetuate the exploitative engagement of temporary employees for decades. Where the State has failed to undertake regular recruitment for decades while continuing to utilize and exploit the

services of the same individuals against perennial needs, it cannot now be permitted to take shelter under the guise of procedural irregularities to defeat their legitimate claims, unless illegality is demonstrated.

15. Having found the Corporation guilty of unfair labour practices under Items 5 and 6 of Schedule IV of the MRTU & PULP Act, the Tribunal directed the cessation of such practices and ordered the Corporation to grant permanent status and privileges to complainants who completed 240 days of continuous service within one year of their initial appointment. However, the latter portion of Clause (iv), which makes permanency contingent upon subsequent vacancies and reservation quotas is unsustainable. Such contingency contradicts the Tribunal's own preceding mandate for regularization.

16. Considering the nature of the duties performed and the scrutiny of the employees' entitlements, the Tribunal clearly intended to transition these workers from Badli or daily-wage status to regular employment. Any interpretation falling short of this transition fails to comply with the letter and spirit of the judgment.

17. The continuous services rendered by the employees unequivocally indicates and establishes the fact that the posts

against the employees are worked and the owing to the availability of the workload, the plea of the Corporation that the sanction posts necessary has to be available so as to regularize these employees does not warrant consideration and deserves to be acceded.

18. It is pertinent to note that, having extended these benefits to some of the employees, the Corporation's attempt to deny these benefits to the present employees cannot be countenanced. Such action creates an impermissible disparity and discriminatory approach. By filing this petition, the Corporation seeks to depart from established implementation of policies already applied to similarly situated employees.

19. In view of the aforesaid discussion, once a finding is recorded that the employer/Corporation has engaged in unfair labour practices by continuing employees as temporary or *badli* for years and decades so as to deprive them of the status of permanency, the relief granted must be effective. Subjecting the grant of permanency to further administrative contingencies like "immediate vacancy" effectively permits the Municipal Transport to perpetuate the unfair practice sought to be corrected, defeating the primary objective and purpose of the MRTU & PULP Act, 1971.

20. Consequently, the writ petitions preferred by the employees deserve to be allowed, while the writ petitions presented by the Employer deserve to be dismissed.

21. Hence, the following order:-

ORDER

- (i) The Writ Petitions presented by the petitioners /complainant/ employees, are allowed.
- (ii) The Writ Petitions presented by the petitioner/employer/ Kolhapur Municipal Transport, as indicated in the cause title, are dismissed.
- (iii) The impugned orders passed by the Industrial Court are modified and it is hereby directed that the said employees shall be regularized in service with all consequential benefits.
- (iv) The petitioner/Employer shall implement these directions within a period of eight (8) weeks from the date of this judgment.
- (v) Rule is made absolute in the above terms.
- (vi) No order as to costs.

[SACHIN S. DESHMUKH]
JUDGE