IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11718 OF 2025

Anil Pagare and Ors. ...Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO.11719 OF 2025

Jeetu Premchand Chautele and Ors. ...Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO.15722 OF 2025

Vinod Anoopsingh Utwal and Anr. ...Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

Ms. Shivani S. Shinde *for the Petitioners.*

Mr. Suresh M. Kamble *for Respondent No.2.*

Mr. A.C. Bhadang, *AGP for Respondent-State in WP/11718/2025.*

Mr. P.V. Nelson-Rajan, *AGP for Respondent-State in WP/11719/2025.*

Ms. Savina R. Crasto, *AGP for Respondent-State in WP/15722/2025.*

CORAM: SANDEEP V. MARNE, J.

DATED: 20 AUGUST 2026.

P.C.:

1) The challenge in these Petitions is to the judgment and order dated 31 January 2025 passed by the learned Member, Industrial Court, Thane, in Complaint (ULP) No.134 of 2007 as well as order dated 9 May 2025 passed in Review Application (ULP) No.1 of 2025.

2) I have heard Ms. Shinde, the learned counsel appearing for the Petitioners, Mr. Kamble, the learned counsel appearing for Respondent No.2 and the learned AGPs appearing for the Respondent -State in the respective Petitions and have considered the submissions canvassed by them. I have gone through the findings recorded by the Trial and the Appellate Courts in the impugned orders. I have also perused the records of the case filed alongwith the Petitions.

3) Perusal of the order passed by the Industrial Court would indicate that following criteria have been determined by the Industrial Court for granting appointment on the post of *Safai Kamgar*:-

> 35. In view of above, I am of the view that, only the (i) Applicants having their names in Seniority List at Exh.-C-16 & U-51, (ii) Applicants who have filed Writ Petition before the Hon'ble Bombay High Court, (iii) Applicants who have Not Crossed the Age of 50 Years, as on 25-01-2010, (iv) Applicants having Aadhar Number, shall be directed to be granted appointment on the Post of Safai Kamgar. Accordingly now I proceed to consider the entitlement of each of the Applicant as under-

4) So far as names being on seniority list are concerned, it is contended on behalf of the Petitioners that their names actually figured in the seniority list. They seek an opportunity to demonstrate this fact before the Industrial Court. So far as names figuring in the Writ Petition filed before this Court is concerned, the criteria appears to be totally erroneous. Initially, Complaint (ULP) No.134 of 2007 was filed by several workers and therefore all workers, who were Complainants in Complaint (ULP) No.134 of 2007 are required to be considered for appointment subject to fulfillment of other criteria. The Industrial Court has committed an error by directing consideration of cases of only those Petitioners, who filed Petition for execution of the order of the Industrial Court. In my view, therefore, the proceedings deserve to be remanded to the Industrial Court for verifying as to whether names of the Petitioners figured in the list appended to the Complaint (ULP) No.134 of 2007. So far as the criteria of having Aadhar Card number is concerned, I do not find much difficulty for the Petitioners to procure Aadhar cards. They can accordingly secure Aadhar cards and produce the same before the Industrial Court. So far as the contention of not crossing the age of 50 years is concerned, the Petitioners have no qualms.

5) In the light of the above position, the proceedings are remanded before the Industrial Court for re-examination of the claims of the Petitioners. They shall be considered for appointment as Safai Kamgar if they fulfill the criteria viz.,(i) reflection of names in seniority list, (ii) reflection of names in the list of employees, on whose behalf the Complaint (ULP) No. 134 of 2007 was filed, (iii) not crossing the age of 50 years and (iv) producing Aadhar card number. The Industrial Court shall

accordingly re-examine the eligibility of the Petitioners afresh according to the above criteria. This exercise shall be completed as expeditiously as possible, preferably within a period of three months.

6) With the above directions, the Writ Petitions are **disposed of**.

[SANDEEP V. MARNE, J.]

Signed by: Megha S. Parab
Designation: PA To Honourable Judge
Date: 21/08/2026 20:30:04