



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 7608 OF 2025

1. Maharashtra State Cooperative Tribal Development Corporation Limited, through Managing Director, Office at 2nd Floor, Adivasi Vikas Bhavan, Gadkari Square, Old Agra Road, Nashik – 422002.
2. Maharashtra State Cooperative Tribal Development Corporation Limited, through Regional Manager, Office Chamorshi Road, Gadchiroli – 442603.
3. Maharashtra State Cooperative Tribal Development Corporation Limited, Through Sub-Regional Manager, Office at Aheri, Danshur Square, in front of Government Hospital, Gadchiroli – 442705.

PETITIONERS

VERSUS

1. Jeevandas Patruji Pendor, Age: 54 years, Occ: Service, R/o Adivasi Vikas Mahamandal, Armori District Gadchiroli.
2. Sanjay Marotrao Kotkondwar, Age: 53, Occ:Service, R/o Post Taluka Mul, Ward no.15, Dist:Chandrapur.
3. Kishor Mangalsing Madhavi (Dead), Thr.Legal Heirs
 - a. Bhavika Kishor Madhavi, Age: 40 years.
 - b. Rudra Kishor Madhavi, Age: 21 years.
 - c. Kavya Kishor Madhavi.
- 3a to 3c R/o Ward no.21, Vivekanand Nagar, District Gadchiroli.
4. Subhanshah Uttamshah Madavi, Age: 52 years, Occ: Service, R/o Ward no.3, Aheri, near Hockey Ground, Dist. Gadchiroli - 442705.
5. Madhukar Somaji Madavi, Age: 52 years, Occ: Service, R/o Ward no.1, Birsa Munda Square, Alapali, Tah-Aheri, Dist. Gadchiroli - 442703.
6. Sanjay Vitthal Madhavi, Age: 52 years, Occ:Service, R/o Post-Ghot, Ward no.1, Tah. Chamorshi, District Gadchiroli - 442604.
7. State of Maharashtra, Department of Tribal Development, through its Secretary, Office at 1st Floor, Mantralaya (Annex), Madame Cama Road, Hutatma Rajguru Chowk, Mumbai - 400032.

RESPONDENTS

Shri D.P. Bhongade, counsel for the petitioners.
Shri M.P. Khajanchi, counsel for the respondent nos.1 to 6.
Shri A.S.Fulzele, Additional Government Pleader for the respondent no.7.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 06, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. The petitioners have taken exception to the judgment and order dated 02.07.2025 passed by the Industrial Court, Chandrapur in Complaint ULP No.69 of 2016. This was a complaint filed by the respondent-Employees under Section 28 read with Items 5, 6 and 9 of Schedule-IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, 'the Act of 1971') seeking permanency and regularization on the posts of Typist, Driver, etc. By the impugned order, the Industrial Court has allowed the complaint and directed the petitioners-Employers to make the respondent-Employees permanent and to accord them status and privilege of permanent employees with effect from 06.08.2016 and to pay all the arrears of wages to them.

3. The petitioners have assailed this judgment on several grounds as mentioned in the memorandum of petition. Pertinent to note, identical complaints were filed by several other employees which were also decided in their favour directing the employer to grant them permanency and other benefits and the said orders were challenged by the petitioners before this Court. While deciding a bunch of matters including **Writ**

Petition no.10957 of 2019 [*Maharashtra State Co-operative Tribal Development Corporation Limited, Nashik & Others Versus Javed Bahiram Pinjari*] alongwith connected petitions, this Court had partly allowed the petitions and issued several directions laying down the modalities for considering proposals of the employees for regularization.

4. The learned counsel for the petitioners as well as the respondents submitted that the controversy involved in the instant petition is identical to the controversy involved in Writ Petition no.10957 of 2019, decided on 19.09.2019 and expressed consent for passing a similar order including the directions and modalities stated therein. It is also pointed out that the judgment passed by this Court in the aforesaid bunch of petitions was challenged before the Hon'ble Supreme Court vide Special Leave Petition (Civil) Diary No(s).18534 of 2021 which came to be dismissed by order dated 17.02.2026 and the directions issued by this Court are not interfered with. As such, in view of the controversy involved, the directions given by this Court in the aforesaid bunch of petitions are required to be considered.

5. Those directions as mentioned in paragraph 8 of the judgment dated 19.09.2019 in Writ Petition no.10957 of 2019 alongwith connected matters are reproduced as under:-

“8. Considering the law and the facts & circumstances recorded as above, these petitions are partly allowed. The declaration of ULP made by the Industrial Court in Clause 2 and 3 of the operative part of the order impugned, stand set aside. The directions set out in clauses 4, 5 and 6 of the operative part, stand modified with the following directions:-

[a] The petitioners shall prepare detailed proposals of all Watchmen/Choukidars similar to the respondent / original complainants in these proceedings, inclusive of these respondents, indicating their actual dates of joining, their length of service and their nature of duties.

[b] These proposals shall be forwarded to the respondent No. 2, Department of Tribal Development through its Secretary, on or before 31.12.2019.

[c] Respondent No. 2 Tribal Welfare Department shall consider the said proposals as against the available vacant posts and by considering the seniority / length of service of such daily wagers, it shall grant regularization to such daily wagers from the date the permanent post has fallen vacant. All monetary benefits incidental and consequential thereto will also be calculated and paid. This exercise shall be completed upto 31.05.2020.

[d] Depending upon the availability of vacant posts, such regularization shall be ordered. If there is a shortfall of permanent vacant posts, the Tribal Development Department shall not reject the proposals of such daily wagers and shall keep them pending for consideration as per their seniority in a staggered manner as and when the permanent posts become available so as to accommodate them.

[e] Those daily-wager employees, who have attained the age of superannuation, during the pendency of the litigation, but are eligible, shall also be considered from the deeming date on which they would have been entitled to the promotion and all the monetary consequential benefits shall be calculated so as to be paid to them.

(f) The above direction shall also apply to such daily-wagers, who have passed away prior to attaining the age of superannuation and such benefits shall then be extended to their widow or the legal heir.

[g] The daily-wagers, who are in employment, including the respondents herein, shall not be terminated merely on the ground of they being daily wagers. Such protection shall not apply to the cases of disciplinary action.”

6. Considering the fact that this petition is identical to the petitions referred above, this petition is disposed of in terms of the directions issued by this Court in the judgment dated 19.09.2019 reproduced above with clarification that (i) the directions be applied to the posts of petitioners i.e. Typist, Driver, etc.; (ii) the directions contained in Clause (b) about forwarding the proposals be complied on or before 30.06.2026; and (iii) the directions contained in Clause (c) about consideration of the proposals for grant of regularization with monetary benefits be complied upto 30.11.2026.

7. The writ petition is disposed of in view of the aforesaid directions and clarifications. Rule accordingly. In the facts of the case, there would be no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

APTE