

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.756 OF 2020

- 1) Mayavati Ramchandra Sawant,)
Age : 55 years, Occ. Aaya,)
Joining date of service : 21-01-1986,)
A Block Behind Zopdapatty, Sir JJ Group of)
Hospital, Byculla, Mumbai 400 008.)
- 2) Shakutla Ashok Gaykwad,)
Age : 55 years, Occ : Ward Boy,)
Joining date of service : 06-05-1987,)
J. Compound, C/ Block, Back Side Cha,)
Room No.14, Byculla, Mumbai 400 008.)
- 3) Nitesh Anant Sawant,)
Age : 51 years, Occ. Ward Boy,)
Joining date of service : 01-08-1988,)
Vignaharta Park, C/1, Adarsh Nagar,)
Goandevi Marg, Malang Road, Chakk Naka,)
Kalyan (E), Pin code No.421 306.)
- 4) Sachin Shyam Bhojane,)
Age : 44 years, Occ. Ward Boy,)
Joining date of service : 10-05-1993)
C/3, Atharva, Room No.401, Gouri Wstate)
Manjarli Gaon, Deepali Park, Badlapur (W))
- 5) Satish Laxman Vayangankar,)
Age : 45 years, Occ. Peon,)
Joining date of service: 06-08-1993,)
Room No.201, Building No.3,)
Shri Saraswatidevi Co-op Society,)
Rahul Estate, B Cabin Road,)
Ambarnath (E) 421 501.)
- 6) Arvind Prabhakar Chavan,)
Age: 48 years, Occu. Ward Boy,)
Joining date of service : 01-10-1993)
Parashiwade, Nawin Chawl, Room No.02)

- 7) Pradeep Keshav Lohara,)
Age: 45 years, Occu. Ward Boy,)
Joining date of service : 13-02-1995)
Nav Uday Kiran Apt. 3/18, Behind Navghar)
Police Station, Navghar Phatak Road,)
Bhayandar (E), Thane 401 105)
- 8) Ganpat Anant Kawale,)
Age : 45 years, Occ. Ward Boy,)
Joining date of service : 01-07-1994,)
Mhada Transit Camp, 90 Feet Road,)
Indra Nagar, Kokari Agar, Chawl No.F-22.)
Room No.-1, GTB Nagar 37, Wadala.)
- 9) Shashikant Gopichand Ghadi Gaonkar,)
Age : 44 years, Occu. Ward Boy,)
Joining date of service : 08-07-1995,)
162, Samta Chwal, Salt Pen Road No.10,)
Anand Wali, Wadala East Mumbai 37)
- 10) Shivaji Dada Darekar,)
Age : 44 years, Occ : Ward Boy,)
Joining date of service : 01-10-1995)
Room No.09, Bhim Srmuti Chawal, Opp. Tulsi)
Niwas, Ayaregaon Dombivali (E) 421 201.)
- 11) Vilas Bhanu Chaukekar,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 01-11-1995)
JJ Hospital Compound, B Block, Room No.3,)
Byculla, Mumbai 400 008.)
- 12) Archana Arvind Darekar,)
Age : 57 years, Occu. Ward Boy,)
Joining date of service : 06-05-1996 Wayerman)
Patra Chawl, Room No.02, JJ Hospital)
Compound, Mumbai 08.)
- 13) Sunanda Bhikaji Kamble,)
Age : 58 years, Occu. Ward Boy,)
Joining date of service : 24-01-1997.)
Samrat Ashok Nagar, Borla Gondi,)
Room No.233, Mumbai 400 088.)

- 14) Madhura Mahendra Utekar,)
Age : 48 years, Occu. Ward Boy,)
Joining date of service : 01-04-1997)
JJ Hospital, B Block, 1st floor, Room No.29,)
Byculla, Mumbai 400 008.)
- 15) Bapu Namdev Vengurlekar,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 01-04-1997,)
7/2 Venus Shetty Chawal, Pratap Nagar Road,)
Hanuman Nagar, Bhandup (W),)
Mumbai 400 078)
- 16) Sanjay Nilkanth Kadam,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 01-05-1997)
Sahjeevan C.H.S. Flat No.612, Near CNG Pump,)
Mhada Colony, Ambernath (E), 421 501.)
- 17) Adhik Dagdu Waydande,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 02-05-1997,)
Near Mangirabad Mandir,)
Ganga Jamuna Chawal No.8, Room No.10,)
Annabhau Sath Nagar, Munkhud (W),)
Mumbai 400 043)
- 18) Dhanraj Ananda Gavali,)
Age : 54 years, Occ. Ward Boy,)
Joining date of service : 09-05-1997)
Shshekant Call Surya Nagar, Vittava,)
Room No.2, 400 605.)
- 19) Pravin Baban More,)
Age : 40 years, Occu. Ward Boy,)
Joining date of service : 12-05-1997)
Room No.-54, Manubhai Chawl,)
Saidham Society, Anand Nagar Road,)
Navi Mumbai 400 708)
- 20) Ganesh Vilas Ballal,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 13-05-1997)
Room No.-89, B Block, 3rd floor, Cement Chawal,))
JJ Hospital Compound, Byculla,)
Mumbai 400 008)

- 21) Ashok Dnyandeo Ovhal,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 14-05-1997)
5/1, Panchavati Colony, Parvati Nagar,)
Vitthalwadi (E), Kalyan 421 306)
- 22) Rajendra Pandurang Trilotkar,)
Age : 46 years, Occu. Ward Boy,)
Joining date of service :15-05-1997)
B.I.T. Chawal No.6, Room No.11, Balacic Road,)
Mumbai Central, Mumbai 400 008)
- 23) Shridhar Maruti Sawant,)
Age : 45 years, Occu. Ward Boy,)
Joining date of service : 15-05-1997)
305, Sai Niketan Apartment, Goddev Gon)
Bhayander (E).)
- 24) Sanjay Maruti Kamble,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 16-05-1997)
1st floor, Motlabhai Chawl, Room No.19,)
JJ Hospital Campus, Byculla, Mumbai 400 008)
- 25) Vasanti Dattaram Jadhav,)
Age : 51 years, Occu. Ward Boy,)
Joining date of service : 30-05-1997)
JJ Compound, A Block, First Floor,)
Room No.40, Byculla, Mumbai.)
- 26) Hanumant Dagadu Waydande,)
Age : 52 years, Occu. Ward Boy,)
Joining date of service : 01-07-1997)
Ganga Jamuna Chawl, Room No.9, Annabhau)
Shathe Nagar, Mankurd,Mumbai)
- 27) Sangita Satyawant Jadhav,)
Age : 46 years, Occu. Ward Boy,)
Joining date of service : 01-07-1997)
JJ Hospital Compound, Motalabai Chawl,)
1st floor, Byculla, Mumbai 400 008)
- 28) Sangram Bhambu Salvi,)
Age : 37 years, Occu. Ward Boy,)
Joining date of service : 01-07-1997)
Sanjay Gandhi Nagar, Trilok Society,)
Near Limbuni Buddha Vihar,)
Vikroli Parksit Mumbai 400 079)

- 29) Nilesh Tukaram Utekar,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 10-07-1997)
Flat No.404, 4th floor, Shradha Saburi Building)
Nandivali Village, Bhopar Road, Dombivli (E))
Thane 421 201.)
- 30) Raghunath Ganpat Amberkar,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 01-08-1997)
Shree Sadguru Krupa Colony, Chall No.1,)
Room No.17, Laxminagar Nandivali,)
Kalyan (E) 421 306.)
- 31) Nilesh Mahadev Kondalkar,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 08-02-1997)
Building No.87/102, A Wing, Kannawar Nagar-2)
Vikhroli (E), Mumbai 400 083)
- 32) Krishna Apaji Vazarkar,)
Age : 40 years, Occu. Ward Boy,)
Joining date of service : 18-08-1997)
Ganesh Darshan, First Floor, Room No.10,)
Star Colony, Jagannath Palace, Dombivali (E))
Thane 421 201.)
- 33) Suresh Ramchandra Kamble,)
Age : 54 years, Occu. Ward Boy,)
Joining date of service : 19-08-1997)
F/20, Sidhartha Nagar, Bapty Road, P.P. Marg,)
Mumbai 400 008.)
- 34) Ganesh Maruti Pawar,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 02-09-1997)
Shivneri Ekta Chawl 6, Road No.32,)
Jai Bhavnai Nagar, Wagle Estate, Thane.)
- 35) Mahindra Rajaram Dalvi,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 09-09-1997)
JJ Hospital Compound, Cement Chawl,)
B Block, 2nd floor, Room No.56, Mumbai 8)

- 36) Anand Murari Shetve,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 01-10-1997,)
1202, Royalcauty, CO OP. HOS. SOC.)
Samrat Ashok Nagar, Near Datta Mandir,)
Nallasopara (W), Mumbai 401 303)
- 37) Mahendra Dhondu Jadhav,)
Age : 40 years, Occu. Ward Boy,)
Joining date of service : 01-10-1997)
Arjun Chawl No.-02, Room No.11, Laxminagar)
Chinchapada, Katemanivali Kalyan East)
Mumbai 421 306.)
- 38) Ganesh Sudam Kadam,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 01-10-1997)
Anand Bhavan Soc. Room No.16, Saytribai)
Nagar, Near Thane-Vashi, Railway Line,)
Ganpati Pada Digha, Navi Mumbai 400 708.)
- 39) Sakshi Sanjay Sawant,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 01-10-1997)
Shivneri Nagar, Near M.I.D.C. Water Tank Road,)
Behind Birla Mandir, Dhobighat, Ulhasnagar)
Kalyan Thane 421 103)
- 40) Yogini Yashwant Dalvi,)
Age : 50 years, Occu. Ward Boy,)
Joining date of service : 18-10-1997)
B/46, Sir JJ Compound, Byculla,)
Mumbai 400 008)
- 41) Anant Dhondu Jadhav,)
Age : 41 years, Occu. Ward Boy,)
Joining date of service : 01-11-1997)
Arjun Chawl No.02, Room No.11, Katemanivali,)
Naka Laxmi Nagar Chinchpada Gaon, Kalyan (E))
Thane 421 306)
- 42) Sandeep Shankar Uttekar,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 01-11-1997)
Sai Krup Chawl, Chawl No.3, Room No.2,)
Chinchpadagaon, Laxmi Nagar, Near Old)
Grampachyat office, Kalyan (E), Katemanvli,)
Thane 421 306.)

- 43) Mangesh Tulshiram Jadhav,)
Age : 45 years, Occu. Ward Boy,)
Joining date of service : 18-10-1997)
Bldg No.69, Room No.1853, Kannamwar Nagar)
No.2, Vikhroli (E), Mumbai 400 083)
- 44) Dinesh Krishna Utekar,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 02-05-1998)
Room No.06, Ishwar Bapu Chawl, Shivaji Nagar)
Jurimari Krula 72)
- 45) Sunita Ram Vatkar,)
Age : 46 years, Occu. Ward Boy,)
Joining date of service : 04-05-1998)
Shatree Nagar, Annasheth Chawal, Bhind Dogdi,))
Building, Room No.148, Dharavi,)
Mumbai 400 017)
- 46) Vijaya Raju Navgire,)
Age : 44 years, Occu. Ward Boy,)
Joining date of service : 07-05-1998)
Room No.27/27A, Sanjay Gandhi Nagar,)
Railway Compound, JJ Road, Byculla,)
Mumbai 400 008)
- 47) Shubhangi Sunil Sugadare,)
Age : 51 years, Occu. Ward Boy,)
Joining date of service : 13-05-1998)
Shree Shraddha Saburi Seva Sangh,)
Sakharam Buwa, Patil Marg, Gajdhar Baandh,)
Santacruz (West), Mumbai 400 054.)
- 48) Anil Hari Jadhav,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 13-05-1998)
Waliv Hanuman Nagar Panas Pada, Opp.)
Hanuman Mandir, Vasai (East), Umele,)
Thane 401 202)
- 49) Subhash Arjun Kamble,)
Age : 44 years, Occu. Ward Boy,)
Joining date of service : 14-05-1998)
At Post,Sawant Wadi, New Kashil Wada,)
Municiple Chawl.)

- 50) Sandeep Sitaram Pawar)
Age : 40 years, Occu. Ward Boy,)
Joining date of service : 14-05-1998)
Alnkapuri CHS I/105, Sector-10, Plot No.12,)
Near by Union Bank, Kamothe,)
Navi Mumbai 412 209)
- 51) Sanjay Vishram Kadam,)
Age : 45 years, Occu. Ward Boy,)
Joining date of service : 15-05-1998)
D-10, Room No.2, Khardev Nagar, MU Colony)
Ghatla Village, Chembur 400 071)
- 52) Mangesh Vinayak Jangam,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 16-05-1998)
B.D.D. Chawl No.29, Room No.33, S.M. Marg,)
Dilas Road, Dilaes Road, Delisle Road,)
Mumbai 400 013)
- 53) Shivaji Rajaram Padwal,)
Age : 42 years, Occu. Ward Boy,)
Joining date of service : 18-05-1998)
Room No.-02, Tagor Nagar, Haryli Vile, Behind)
Powar House, Vikhroli (E), Mumbai.)
- 54) Anant Prakash Kharade,)
Age : 43 years, Occu. Ward Boy,)
Joining date of service : 01-06-1998)
B-104, Alankapuri, Nayanraj Mauli Co-op.)
Society, Sector-10, Plot -12, Opp. Union Bank,)
Kamothe, Panvel – 410 209)
- 55) Jayshree J. Gaiwad,)
Age : 44 years, Occu. Ward Boy,)
Joining date of service : 10-07-1998)
Saklap Yogna Building, 1st floor, Room No.102,)
Katraj Road, Badlapur (E))
- 56) Sanjay Vijay More,)
Age : 47 years, Occu. Ward Boy,)
Joining date of service : 03-08-1998)
Room No.2m Shiv Krupa CO OP HSG Society)
Katemanivali Road, Near S.T. Depot,)
Vitthal Wadi, Kalyan (East) Thane 421 206)

- 57) Krishna Maruti Kashitkar,)
 Age : 42 years, Occu. Barbar (Nashik))
 Joining date of service : 20-08-1998)
 Room No.9, Manubhai Chawl, SJC,)
 Iswar Nagar, Digha, (Navi Mumbai) 400 708)
- 58) Nitin Raya Sakpal,)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 01-02-1998)
 Raya Sakpal, Chawl No.4, Room No.8, Parvati)
 Chawl, Chinchpadaon, Near Laxmi Nagar,)
 Kalyan (E), Katemanivali, Thane 421 306)
- 59) Sachin Tukaram Kadam,)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 01-09-1998)
 Building No.89, Room No.2501, Kannamwar)
 Nagar 2, Vikhroli (E), Mumbai 400 083)
- 60) Sanjay Dattatray Nalawade,)
 Age : 48 years, Occ. Ward Boy,)
 Joining date of service : 01-10-1998)
 Om Ashtvinayak Co. Op. Housing Society Ltd.)
 Room No.06, Chawl No.2, Laxmi Nagar)
 Chinchpada Road, Kalyan (E) 421 306)
- 61) Rajendra Atmaram Patil,)
 Age : 41 years, Occu. Ward Boy,)
 Joining date of service : 01-10-1998)
 Gr. Floor, Motlabhai Chawl, Room No.11, JJ)
 Hospital Campus, Byculla, Mumbai 400 008)
- 62) Smita Shyam Bhojane,)
 Age : 47 years, Occu. Ward Boy,)
 Joining date of service : 01-11-1998)
 Rajgruha Apt. Room No.902, 19th Road,)
 Khar Road (W))
- 63) Jayshree Balu Ware,)
 Age : 50 years, Occu. Ward Boy,)
 Joining date of service : 11-11-1998)
 Room No.4, Pitambar Bhaiya Chawl,)
 Ambedkar Chowk, J.V. Link Road,)
 Jogeshwari (E) Mumbai 400 060)

- 64) Suresh Chhotalal Waghela)
 Age : 52 years, Occu. Ward Boy,)
 Joining date of service : 01-01-1998)
 A-2/003 Unique Homes Tirupati Nagar PH-II)
 Near Madhuvan Park Virar (W), Palghar 401 305)
- 65) Santosh Devji Kadam)
 Age :40 years, Occ. Ward Boy,)
 Joining date of service : 01-01-1999)
 201 Ganga Sagar Building, 2nd floor,)
 Umerkhadi Road, Dongri, Mumbai 400 009)
- 66) Shridhar Sakharam Tayade,)
 Age : 50 years, Occu. Ward Boy,)
 Joining date of service : 01-02-1999)
 Bindu Mahadev Nagar, Anand Krupa Society)
 Room No.502, Digha, Navi Mumbai 400 708)
- 67) Vinod Deu Gawade,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 01-02-1999)
 89/ 2492, Near Shivai Chowk, Kannamwar in)
 Nagar 2, Vikhroli (E), Mumbai 400 083)
- 68) Naresh Atmaram Pawar,)
 Age : 42 years, Occu. Ward Boy,)
 Joining date of service : 01-04-1999)
 Building No.87, Room No.603, 6th floor, Raigadh)
 Co-operating Housing Society Pvt. Ltd, Kannawar)
 Nagar No.2, Vikhroli (E), Mumbai 400 083)
- 69) Vijay Nilkanth Kadam,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 01-04-1999)
 A/ 201, Shree Rama CHS, Near Kunkai Gavdevi)
 Mandir, Vitawa Thane, Belapur Road,)
 Thane (E) 400 605)
- 70) Mahesh Gopichand Kadam,)
 Age : 39 years, Occu. Ward Boy,)
 Joining date of service : 01-04-1999)
 Room No.10, Siddhivinayak Chawl,)
 Hanuman Takadi Chaitty Nagar, Hanuman)
 Tekadi Pada No.30,Thane (W) 400 606)

- 71) Suvarna Pappu Jadhav)
 Age : 38 years, Occu. Ward Boy,)
 Joining date of service : 06-04-1999)
 Govind Apartment 'B' Wing, Room No.308,)
 3rd floor, Saiath Nagar, Chandan Sar Road,)
 Virar (E).)
- 72) Kavita Amrut Shinde)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 01-05-1999)
 Chinchodyacha Pada, Near Hanuman Mandir)
 Saibal Monu Building, First Floor, Room No.105)
 Dombivali (W) 421 202)
- 73) Sachin Balkrishna Salunke,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 01-05-1999)
 Shreeramkrishna Hsg. Soc. Building,)
 Room No.101, 1st floor, Opp. Bharat Gas)
 Godown Mahalaxmi Nagar,)
 Ambernath (E) 421 501)
- 74) Arjun Vijay Naik,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 01-05-1999)
 Flat No.404, D Wing, Sunrise Residency,)
 Badlapur, Karjat Highway.)
- 75) Mahendra Govind Malekar,)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 03-05-1999)
 Sadguru Krupa, Room No.2, Bhagat Wadi,)
 Tukaram Nagar, Ayare Road,)
 Dombivali (E) 421 201)
- 76) Sachin Dattaram Gole,)
 Age : 39 years, Occu. Ward Boy,)
 Joining date of service : 03-05-1999)
 Sagar Society, Sector No.02, Plot No.202,)
 Room No.23, Charkop, Kandivali (W))
- 77) Ravindra Kashinath Shinde)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 04-05-1999)
 Navpanchak grhanirman Society, Gaikwad)
 Chawl, Vinayak Chowk, Kalyan (E))

- 78) Babu Dhondiba Patil)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 05-05-1999)
 Room No.7, Chawl No.13, Rajershi Shabu Chawl)
 New Shivaji Nagar, near Jagruti School,)
 Kalwa (E) 400 605)
- 79) Dnyaneshwar Nivrutti Kalambe)
 Age : 49 years, Occu. Ward Boy,)
 Joining date of service : 05-05-1999)
 Room NO.02, Surajbali Dube Chawl,)
 Ramdas Chowk, New Mill Road, Kurla (W))
 Mumbai 400 070)
- 80) Rajendra Devji Gudekar,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 05-05-1999)
 Room No.6, Shanti Doot Soc. Rahul Nagar,)
 Vikhroli Parkshite (W), Mumbai 400 079)
- 81) Atish Ravindra Pednekar,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 05-05-1999)
 2-10, B2, 2nd floor, Saptashrugi Society,)
 Juinagar (W), Navi Mumbai 400 706)
- 82) Dilip Dataram Pawar)
 Age : 39 years, Occu. Ward Boy,)
 Joining date of service : 05-05-1999)
 Room No.403, A Wing, 4th floor, Naganth Galaxy,))
 Sabe Road, Near Shree Swami Samath Mandir,)
 Diva (E), Thane, Maharashtra 400 612)
- 83) Deepak Tukaram Padwal,)
 Age : 43 years, Occu. Ward Boy,)
 Joining date of service : 06-05-1999)
 SOJ Niwas, Room No.A 17, Nirabai Patil Marg,)
 Manavel Pada Road, Near Geetanjali School,)
 Virar (E))
- 84) Prakash Vishwanath Surve,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 08-05-1999)
 Gaondevi Krupa Chawl No.01, Room No.08,)
 Retibunder Cross Road, Devicha Pada,)
 Dombivali (W) 421 202)

- 85) Ramesh Bhau Pawar,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 10-05-1999)
 New Nisarg Society, Vijay Nagar, Amrai Chawl)
 No./D, Room No.4, Kalyan (E))
- 86) Satish Parshuram Sakpal,)
 Age : 40 years, Occu. Ward Boy,)
 Joining date of service : 10-05-1999)
 Sangam Chawl, Ambewade No.2,)
 Hindustan Comp, Vikhroli (W), Mumbai 400 083)
- 87) Ramesh Tukaram Shelar,)
 Age : 42 years, Occu. Ward Boy,)
 Joining date of service : 11-05-1999)
 Room No.302, Panchvati Dham, Near Sashkiya)
 Dawa Khana, Manda, Titwala (W) 421 605)
- 88) Mukund Jaysingh Utekar,)
 Age : 41 years, Occu. Ward Boy,)
 Joining date of service : 02-05-1999)
 Room No.111, Ajinkya Mitra Mandal, Siddarth)
 Nagar, Anny Benzynt Road, Opposite Podar)
 Hospital, Worli, Mumbai 400 018)
- 89) Aparna Subhas Sawant)
 Age : 41 years, Occu. Ward Boy,)
 Joining date of service : 15-05-1999)
 Saklap Yogna Building, 1st floor, Room No.102,)
 Khatraj Road, Badlapur (E).)
- 90) Madhukar Ramchandra Sugdhare,)
 Age : 40 years, Occu. Ward Boy)
 Joining date of service : 15-05-1999)
 Navdurga Apartment, Building no.3,)
 Room No.401, Nagindas Pada Nallasopara (E))
 Palghar 401 209)
- 91) Anil Tukaram Padwal,)
 Age : 49 years, Occu. Ward Boy)
 Joining date of service : 01-06-1999)
 Shree Samarth Krupa, Room No.03,)
 Chawl No.2, Opp. New Drop School, Mhatra)
 Gate, Aagasan Road, Diva(E) 400 612)

- 92) Balamani Raju Yamba)
 Age : 44 years, Occ. Kaksh Sevika,)
 Joining date of service : 04-06-1999)
 1st floor, Building No.19, Room No.10,)
 7th Gali Kamathipura, Mumbai Central,)
 Mumbai 400 008)
- 93) Sudhakar Aanaji Kadam,)
 Age : 52 years, Occu. Barbar (Nabhik))
 Joining date of service : 07-06-1999)
 Room No.125, Building No.15, (MMMRDA),)
 Mhada Colony, Mahul Gaon,)
 Near BPCL Company.)
- 94) Prakash Vithoba Pawar,)
 Age : 41 years, Occu. Ward Boy)
 Joining date of service : 07-06-1999)
 Myuresh Darshan Building, Room No.B-207,)
 B Wing, Omkar Nagar, Ajde Gav, Dombivali (E))
 Mumbai 421 201)
- 95) Arun Suresh Jadhav,)
 Age : 45 years, Occu. Ward Boy)
 Joining date of service : 13-06-1999)
 Tania Monarch Apt. C Wing, Room No.209, 2nd)
 floor, Raj Nagar Road, Nallasopara (E) 401 203)
- 96) Sanjay Govind Ambre,)
 Age : 40 years, Occu. Ward Boy)
 Joining date of service : 16-06-1999)
 Raigad Darshan Co-op. Society, Room No.4,)
 Chikani Pada, Kalyan (E))
- 97) Rakesh Dattaram Kadam,)
 Age : 40 years, Occu. Ward Boy)
 Joining date of service : 01-07-1999)
 Ambika Vijay Rahiwashi Mandal Chawl, Room)
 No.2, Adarsh Nagar, Hanuman Gully, Kunjur)
 Village, Kanjurmarg (E), Mumbai 400 042)
- 98) Rohit (Rashmikant) Shankar Pawar,)
 Age : 39 years, Occu. Ward Boy)
 Joining date of service : 01-07-1999)
 Arunoday Building, Room No.1, Ground Floor,)
 Dr. Nemade Marg, Shatri Nagar, Dombivali)
 (West), Thane – 421 503)

- 99) Shivaji Dagdu Ulalkar,)
 Age : 45 years, Occu. Ward Boy)
 Joining date of service : 05-07-1999)
 Sant Dyaneshwar Nagar, Rahivashi Sangh,)
 Opp. Building No.186, Kannamwar Nagar -2,)
 Vikhroli (E), Mumbai 400 083)
- 100) Anand Chandrakant Raut,)
 Age : 45 years, Occu. Peon,)
 Joining date of service : 05-08-1995)
 Chandrakant Bhuvan, Ayare Road, Behind)
 Madavi School, Dombivli (E), 421 201.)
- 101) Santosh Ramchandra Kadam,)
 Age : 43 years, Occu. Peon)
 Joining date of service : 03-05-1995)
 Dhanji Bhai Ice Factory Chawl, Room No.32,)
 Sardar Balwant, Sing Dhodi Marg, Mazgaon,)
 Mumbai 400 010.)
- 102) Geeta Keshav Kadam,)
 Age : 46 years, Occu. Peon,)
 Joining date of service : 19-01-1996)
 Hamathipura, 5th Lane, Pansheel Niwas,)
 3rd floor, Room No.124, B.No.169, M.R.RD.)
 Mumbai 400 008.)
- 103) Sakshi Satish Katkar (Pushpa S. Gundaye))
 Age : 43 years, Occu. Peon,)
 Joining date of service : 12-05-1997)
 Suyog CHS, Ground Floor, Room No.10,)
 Near New Police Station, Kunjurmarg-E,)
 Mumbai 42)
- 104) Shirish Pandurange Bandarkar,)
 Age : 42 years, Occu. Peon,)
 Joining date of service : 02-06-1997)
 10/102, Anna Nana Co Op. Hsg. Soc. Ltd.)
 Jadhav Colony, Belavli, Badlapur (W) 421 503)
- 105) Giridhar Prabhakar Nirgun)
 Age : 51 years, Occu. Peon,)
 Joining date of service : 02-06-1997)
 Rai office stop, Murdha, Uttam Road, Near)
 Custom Chawl, Sadanand Nagar,)
 Bhayander (West), Thane.)

- 106) Manisha Vijay Pawar)
 Age : 45 years, Occu. Sevak,)
 Joining date of service : 14-07-1997)
 Ramchandra Pawar Chawl, Near Hanuman)
 Temple, Marathi Koleswadi, Kalyan (East),)
 Dist. Thane.)
- 107) Shrimat Yallubai Suresh Gaikwad,)
 Age : 52 years, Occu. Hamal,)
 Joining date of service : 02-05-1997)
 New Bharat Nagar Sai Tekdi, Neyr HP Colony,)
 Vashi Naka RC Marg, Chembur Mumbai 400 074)
- 108) Santosh Manaji Nikam,)
 Age : 41 years, Occu. Peon,)
 Joining date of service : 02-09-1997)
 Building No.88, Room No.2474, Near Vikas)
 High School, Kannamwar Nagar 2, Vikhroli (E))
 Mumbai 400 089.)
- 109) Parshuram Vijay Talgaonkar)
 Age : 41 years, Occu. Security Guard,)
 Joining date of service : 17-04-1998)
 Satys Kasoti Chawl, Ground Floor, Room No.1)
 Balaji Wadi, Devicha Pada, Satyawan Chowk,)
 Dombivali (W) 421 202.)
- 110) Nagesh Deepak Surve,)
 Age : 41 years, Occu. Sevak,)
 Joining date of service : 02-02-1998)
 Shree Ganeshsai S.R.A. Co.op. Housing Society)
 Ltd., No.212/D, Jaerabai Wadia Road, Parel,)
 Bhoiwada, Mumbai 12.)
- 111) Sandesh K. Shirvadkar,)
 Age : 40 years, Occu. Security Guard,)
 Joining date of service : 16-06-1998)
 Satyakasoti Chawl Deecha Pada, Balaji Wadi,)
 Dombivali West 421 202.)
- 112) Ramesh Nandan Sabat,)
 Age : 39 years, Occu. Sevak)
 Joining date of service : 14-04-1999)
 B 201, Neelkanth Park, New Sarya Nagar,)
 Vitawa Thane Belapur Road, Kalwa,)
 Thane 400 605)

- 113) Reshma Suresh Chawan,)
 Age : 41 years, Occu. Hamal,)
 Joining date of service : 06-12-1995)
 1/7, Manisha Niwas, Lokmaya Nagar, Sanman)
 Singh Road, Bhandup (W), Mumbai 400 078)
- 114) Sachin Suresh Shinde)
 Age : 40 years, Occu.)
 Joining date of service : 02-02-1997)
 Hsg Society, Plot No.42, Sector 19 'A' Wing)
 Room No.103, 1st floor, Opp. Saibaba Mandir)
 Kamote 410 209)
- 115) Chandrakant Manji Nikam,)
 Death Age :40 years,)
 Joining date of service : 14-06-1999)
 Building No.88, Room No.2474, Near Vikas)
 High School, Kannamwar Nagar 2, Vikhroli (E))
 Mumbai 400 089)
- 116) Sandesh Ramesh Yerunkar,)
 Age : 41 years, Occu. Hamal)
 Joining date of service : 12-03-1998)
 Anil Karpe Chawl, First Floor, Room No.1,)
 Tisgaon Road, Mhasoba Chowk Karpe Wadi,)
 Kalyan (E))
- 117) Vijay Vishnu Parab)
 Age : 46 years, Occu. Hamal)
 Joining date of service : 02-06-1995)
 Room No.701, 7th floor, Sai Niwas, Jay Shiv Sai)
 Housing Society, Siddarth Nagar, Bandra (E))
 Mumbai 400 051.)
- 118) Ramesh Daulat Ranpise,)
 Age : 50 years, Occ. Hamal,)
 Joining date of service : 21-04-1999)
 Daulat Niwas, Plot No.G 42/30, Sector No.12,)
 Near Shivaji Mini Market, Kharghar 410 210.)
- 119) Ramesh Ramanna Kshetriya)
 Age : 40 years, Occ. Hamal.)
 Joining date of service : 02-06-1999)
 Room NO.02, Sai Prerna Apartment, Ground)
 Floor, Bindu Madhav Nagar, Belapur Road,)
 Digha, Navi Mumbai 400 708.)

- 120) Rajesh Ravindra Sawant)
 Age : 39 years, Occ. Mali.)
 Joining date of service : 04-05-1999)
 B/401, Sai Sagar, Sec-35, Plot No.03, Kamothe)
 Panvel 410 209.)
- 121) Sandip Sanpat Gaikwad,)
 Age : 40 years, Occ. Hamal.)
 Joining date of service : 17-06-1999)
 Sanjay Gandhi Nagar, Railway Compound,)
 Room No.29/26, Byculla 400 008.)
- 122) Vithal Narayan Jagtap,)
 Age : 40 years, Occ. Hamal.)
 Joining date of service : 01-03-1998)
 Pundlik Apartment, Building No.2, Room No.407)
 Bedekar Nagar, Diva, Agasan Road, Diva (E))

....Applicants

Versus

- 1) The State of Maharashtra,)
 Through Principal Secretary, Medical Education)
 And Drugs Department.)
- 2) The Director, Medical Education and Research)
 Department, Government of Maharashtra,)
 St. George Hospital, Mumbai.)
- 3) The Dean, Grant Medical College and JJ Group)
 Of Hospital, Mumbai.)
- 4) Giju Nagin Waghela)
 Date of Birth 19-10-1980,)
 1st Joining date : 01-03-1999)
 Occ : Hamal (Housekeeping))
 Add : Nursing JJ Campus)
- 5) Vijay Dalpath Purbiya.)
 Date of Birth 26-10-1980)
 1st Joining date : 01-03-1999)
 Occ : Hamal (Housekeeping))
 Add : Nursing JJ Campus)

- 6) Vasant Nagaji Soda)
Date of Birth 27-07-1973)
1st Transfer Date : 01-04-1999)
Occ : Hamal (Housekeeping))
Add : Nursing JJ Campus)
- 7) Vitthal Kisan Waghela)
Date of Birth 01.02.1981)
1st Joining Date : 01-04-1999)
Occ : Hamal (Housekeeping))
Add : Nursing)
- 8) Khiresb Bhavan Solanki)
Date of Birth 08.01-.1980)
1st Joining Date : 10.05.1999)
Occ : Hamal (Housekeeping))
Add : Nursing JJ Campus)
- 9) Harshvardhan Sukha Solanki,)
Date of Birth 24.06.1980)
1st Joining Date : 22.05.1999)
Occ : Hamal (Housekeeping))
Add : Nursing JJ Campus)
- 10) Madhu Purushottam Solanki,)
Date of Birth 06.02.1968)
1st Joining Date : 07.05.1999)
Occ : Hamal (Housekeeping))
Add : Nursing JJ Campus.)
- 11) Usha Ratilal Waghela)
Date of Birth 01.06.1972)
1st Joining Date 01.07.1999)
Occ : Hamal (Housekeeping))
Add : Nursing JJ Campus.)
- 12) Sandesh Yerunkar)
Date of Birth 01.06.1979)
1st Joining Date 11.03.1998)
Occ. Hamal (Housekeeping))
Add : Nursing JJ Campus)
- 13) Vijay Parab)
Date of Birth 09.08.1974)
1st Joining Date 02.06.1995)
Occ. Hamal (Housekeeping))
Add : Nursing JJ Campus)

- 14) Ramesh Ranpise,)
 Date of Birth 28.08.1970)
 1st Joining Date 21.04.1999)
 Occ. Hamal (Housekeeping))
 Add : Nursing JJ Campus.)
- 15) Ramesh Kshatriya)
 Date of Birth 15.07.1970)
 1st Joining date : 03.05.1999)
 Occ. Hamal (Housekeeping))
 Add : Nursing)
- 16) Rajesh Sawant)
 Date of Birth 01.05.1981)
 1st Joining Date 04.05.1999)
 Occ. Mali.)
 Add : Nursing JJ Campus.)
- 17) Vitthal Narayan Jagtap)
 Date of Birth 01.01.1980)
 1st Joining Date 01.03.1998)
 Occ. Hamal (Housekeeping))
 Add : Nursing JJ Campus)

....Respondents

Dr. Gunratan Sadavarte, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : JUSTICE MS. MRIDULA BHATKAR, CHAIRPERSON

RESERVED ON : 21.12.2021

PRONOUNCED ON : 14.02.2022

J U D G M E N T

1. In this Original Application, 122 applicants, Badli Workers, working as Wardboys, Sweepers and Ayas, on Class-IV post, in J.J Group of Hospitals, Mumbai, pray for regularization of their services from the date of their appointment, i.e. from 1986 to 1999.

2. It is the case of the applicants that they have been working in the said Hospital since 1986 and each of them have completed working 240 days in the period of 10 years, which is a requirement for the regularization of service. The services of 336 Badli Workers of J.J. Group of Hospitals were regularized as per the G.R of 2015. However, the applicants were not given that benefit and they were disqualified on the ground of lack of requisite period of service as on cut-off date i.e. 31.03.2007. They pray their regularization on the basis of the judgment of the Industrial Court in Complaint (ULP) No. 1271 /1993, dated 20.1.2003 and Complaint (ULP) No.248/1996, dated 29.7.2003. Hence, they have approached this Tribunal.

3. This Tribunal from time to time passed orders wherein the queries were made in order to extract the correct information to adjudicate the issues. Pursuant to those queries, short affidavits in reply have been filed by the Respondents as under:-

(I) Affidavit-in-reply dated 9.2.2021, is filed by Shri Ranjeet J. Mankeshwar, Dean, Sir J.J Group of Hospitals, Byculla, Mumbai.

(II) Affidavit-in-reply dated 31.3.2021, is filed by Shivaji Sampatrao Patankar, Joint Secretary in the office of Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, in compliance of order of this Tribunal dated 18.2.2021.

(III) Short affidavit-in-reply dated 20.4.2021, is filed by Shivaji Sampatrao Patankar, Joint Secretary in the office of Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, in compliance of order of this Tribunal dated 1.4.2021.

(IV) Affidavit-in-reply dated 9.6.2021 is filed by Sanjay D. Kamlakar, Deputy Secretary in the office of the Secretary, Medical Education and Drugs Department, Mantralaya,

Mumbai, in compliance of order of this Tribunal dated 25.2.2021.

(V) Short affidavit-in-reply dated 12.8.2021 is filed by Sanjay D. Kamlakar, Deputy Secretary in the office of the Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, pursuant to the order of this Tribunal dated 29.6.2021.

(VI) Short affidavit-in-reply dated 6.9.2021 is filed by Vaishali M. Sule, Deputy Secretary in the office of the Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, pursuant to the order of this Tribunal dated 24.8.2021.

(VII) Short affidavit-in-reply dated 23.9.2021 is filed by Vaishali M. Sule, Deputy Secretary in the office of the Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, pursuant to the order of this Tribunal dated 7.9.2021.

4. Learned counsel for the applicants Mr Sadavarte has submitted earlier 336 employees were regularized in J.J. Group of Hospitals. As on today total 350 posts of Class-IV employees are available in J.J Group of Hospitals and out of which 210 posts are vacant. Learned counsel for the applicants submitted that the applicants claim relief on the basis of two Government Resolutions dated 7.12.2015 and 29.1.2020. Learned counsel has submitted that pursuant to the directions given in the case of **State of Karnataka & Ors Vs. Umadevi & Ors, AIR 2006 S.C 1806**, the Respondents have fixed the cut-off date as 31.3.2007 and the Badli Workers in Class-IV category working as Wardboys, Sweepers and Ayas, the criterion of 210 days attendance for 10 years was fixed for the regularization of their services, though the applicants fulfill the same as on 2015 were not considered hence injustice is caused to them. The Applicants seek regularization on the basis of the decision of the Industrial Court.

5. Learned counsel for the applicants compared and relied on Exh. 'A', chart of service record of 336 employees who were regularized and Exh. 'C', a service chart of the applicants, who have put in 10 years of service. Learned counsel for the applicants have submitted that out of 336 employees, many employees though have completed lesser than 10 years of service were regularized by showing illegally that they have completed 10 years of service. However, the names of the present applicants were deliberately eliminated in the said process. He further submitted that some contents in the affidavits in reply in respect of the service record of the applicants and some 336 regularized employees are patently false. In support of his submissions, he relied on the affidavit in reply of Shivaji Sampatrao Patankar, Joint Secretary in the office of Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai. He further relied on the judgment of this Tribunal dated 15.6.2017 in O.A 199/2016, Smt Satyawati P. Ambare & Ors Vs. State of Maharashtra & Ors. He submitted that the judgment of this Tribunal is not challenged by the Respondent-State before the Hon'ble High Court, but it is implemented in favour of the applicants, therein, who are Class-IV employees. Learned counsel for the applicants heavily relied on the judgment of the Industrial Court, dated 29.7.2003 in Complaint (ULP) No.248/1996. The order of the Industrial Court was challenged before the Hon'ble Bombay High Court in Criminal Writ Petition No.1060/2005, and the judgment of the Industrial Court was confirmed by the Hon'ble High Court by order dated 22.10.2013. Learned counsel for the applicants submitted that in the Industrial Court, the present applicants are the Members of the Complainant Association, and therefore, the said judgment and the relief granted by the Industrial Court is applicable to them. He submitted that Contempt Petition was filed before the Industrial

Court and the Industrial Court by order dated 29.12.2017 had saddled cost of Rs.5000/- on the Respondents for non-compliance of the order. Learned counsel for the applicants submitted that the Hon'ble High Court has confirmed the order of the Industrial Court after the decision of the Hon'ble Supreme Court in **Umadevi's case (supra)**.

6. Learned counsel for the applicants has relied on the following judgments :

- (i) **State of Karnataka & Ors Vs. Umadevi & Ors, AIR 2006 S.C 1806.**
- (ii) **Hari Nandan Prasad & another Vs. Employer I/R to Management of Food Corporation of India & Anr, (2014) 7 SCC 190.**
- (iii) **State of Uttar Pradesh & Ors Vs. Arvind Kumar Srivastava & Ors, (2015) 1 SCC 347.**
- (iv) **Narendra Kumar Tiwari & Ors Vs. The State of Jharkhand & Ors, (2018) 8 SCC 238.**
- (v) **State of Karnataka & Ors Vs M.L Kesari & Ors, AIR 2010 S.C 2587.**
- (vi) **W.P.No.246/2015 dated 19.08.2016, The State of Maharashtra & Ors. Versus Bhartiya Kamgar Sena.**
- (vii) **Criminal Writ Petition No.1060/2005, dated 22.10.2013, The State of Maharashtra & Ors. Versus Jayraj Hate & Ors.**

7. The learned C.P.O. has relied on the affidavit-in-reply, the Respondents have admitted that a policy decision was taken to regularize the temporary service of the employees in the year 2015 and such policy decision cannot be taken frequently. It is further submitted that the temporary services of the applicants were not continued voluntarily by the State Government, but it is continued due to the intervention of the Court. Therefore, the services of the present applicants cannot be regularized. The appointment of

Badli Workers is nothing but a stop gap arrangement adopted for a long time period in the Institution functioning under the Respondent-Department. These all establishments are involved in patient care. The Badli Workers have no legal right and they cannot claim regularization as a right. It is further submitted that under the Medical Education and Drugs Department in nearly 52 Institutions, Badli Workers' practice is followed and if the services of Badli Workers in J.J Group of Hospitals are regularized, then it will put a great burden on public exchequer. It is submitted that the applicants were aware about the nature of their appointments and they have accepted it, though there is no assurance of regularization. The applicants are free to take up the employment at any other place and they were never prohibited by the State Government. It was submitted that the Government Resolution relied by the applicants do not support the case of the applicants as they are for the different posts and different situations. The applicants are paid as per the 6th Pay Commission.

8. Learned C.P.O had submitted that the applicants were working as Badli Workers and they continued on account of Court orders. The system of Badli Workers has now been stopped and Respondent-State has not appointed any person as Badli Workers since 1999. The services of Safai Kamgars are very important and necessary in the Hospital, especially in Government Hospital like J.J Hospital. However, largely these Safaikamgars often go on leave hence, the administration needs to fill up those posts to maintain the hygiene and cleanliness in the hospital. Therefore, the applicants, Badli Workers were given appointments from time to time for not more than 29 days at a stretch. They are aware of the nature and tenure of their appointment. Sometime, they were given appointments for two to three years continuously with an interval / break after circuit of 29 days. Only the badli workers

who have completed service of 240 days in each year for 10 years, those Badli Workers were absorbed and regularized by G.R dated 7.12.2015, which is after the judgment of the Hon'ble Supreme Court in **Umadevi's case supra**. In all 626 Badli Workers were absorbed and regularized. However, in the same list the names of the present applicants, Badli Workers did not appear for want of eligibility, i.e. the fulfillment of the criteria of 240 days in each year for 10 years. No legal right is created in favour of the Badli Workers, even if they rendered 240 days continuous service but less than 10 years. Thus, when a person is working as Badli Worker there is always a regular worker and the Respondent-State, thus had to bear the expenses of double payment in this event.

9. Learned C.P.O., while meeting the contention of discrimination has submitted that basically the Respondent-State has checked the list of all the Badli Workers thrice when the decision was taken by the Respondent-State to regularize Badli Workers, pursuant to the directions given by the Hon'ble Supreme Court in the case of **Umadevi, (supra)**. Therefore, services of only 626 Badli Workers were regularized as they could fulfill the criteria of 240 days in a year for continuously 10 years as on 31.03.2007. She while refuting the accusation of discrimination, has submitted that assuming there might have been some few cases of Badli Workers, who despite not fulfilling the requisite working days and years, might have been regularized, however, that was a mistake and the mistake cannot be corrected or repeated by relaxing the said criteria which is laid down by the Hon'ble Supreme Court. Thus, the learned counsel for the applicants is advocating adverse discrimination, which is not legal.

10. Learned C.P.O has relied on the following judgments:-

- (i) **Oil and Natural Gas Corporation Vs. Krishna Gopal and Ors, 2020 SCC Online SC 150.**
- (ii) **Union of India & Ors Vs. Ilmo Devi & Anr, Civil Appeal Nos.5689-5690/2021.**

Learned C.P.O has argued that pursuant to the order of this Tribunal dated 7.9.2021, to verify Badli Workers Ms Mayavati R. Sawant, Mr Sachin Shyam Bhojane and Mr Ganesh Vilas Ballal whether as on 31.03.2007 they fulfill the criterion of working for 240 days in a year for 10 years. She submitted that none of them can fulfill the said criterion as on 31.03.2007.

11. Learned counsel for the applicants in reply relied on the judgment of this Tribunal dated 9.7.2019 in O.A 571/2019, Mrs. Manjula Yeshawant Sate Versus The Dean, St. George Hospital, Bombay & 3 Ors. Learned counsel further relied on the judgment of the Hon'ble Supreme Court in the case of **Hari Nandan Prasad (supra)**, on the point of jurisdiction of the Industrial Court in respect of service conditions of Class-IV employees. He also relied on the judgment of the Hon'ble Supreme Court on parity in **Arvind Kumar Srivastava (supra)**. Learned counsel for the applicants has further submitted that on the point of manner of computation of period of 10 years, he relied on the judgment of the Hon'ble Supreme Court in the case of **Narendra Kumar Tiwari (supra)**, wherein it is held that,

If they have completed 10 years of service on the date of promulgation of the Regularisation Rules, ought to be given the benefit of the service rendered by them.

In the present cases, the applicants claim regularization accordingly. Learned counsel further argued that against these employees, there is no charge of misconduct and there is no punishment. The applicants have been serving in J.J Group of

Hospital as Badli Workers when they were given the work and have rendered excellent service during the period of Covid-19 Pandemic. He has further submitted that the criterion of attendance of 240 days for continuous 10 years is very arbitrary. It does not depend upon the willingness and capacity of the employee, but it all depends on the appointment order and job provided by the Respondents.

12. Learned counsel Mr. Sadavarte, has submitted that he prays for regularization of the services of the applicants mainly on the basis of the orders of the Industrial Court and Articles 14, 16, 21, 141 & 142 of the Constitution of India and so also based on the judgment of the Hon'ble Supreme Court in the case of **M.L Kesari (supra)**. He pointed out that by G.R dated 7.12.2015, though 626 Badli Workers were regularized, out of them 60% were not fulfilling the criteria of working for 240 days in a year for a period of 10 years. He submitted that out of 122 applicants, assuming that some of them did not full the criteria of working for 240 days in a year for a period of 10 years, yet they are entitled to be regularized on the ground of parity. Thus, the applicants also claim their regularization on the ground of discrimination on the part of the Respondent-State. Learned counsel relied on the letter/communication dated 19.10.2019 supplied by the Dean to the Director, Medical Education, regarding 110 Badli Workers.

13. Considered submissions. The basis of the relief claimed in these Original Applications is the said order of the Industrial Court in Complaint (ULP) No. 248/1996 and hence, the said order needs to be looked into. The operative portion of the said order is as under:-

- “i) The Complaint is partly allowed.*
- ii) It is hereby declared that the respondent has engaged*

in and are engaging in unfair labour practices under Item 6 of Exh. IV of the MRTU & PULP Act, 1971 and they are directed to cease and desists from continuing to do so.

- iii) The respondent is directed to consider the badli workers shown in the seniority list filed by the Respondent at Exh. 'A' coll. with Exh. C-13 as per their seniority and by considering their suitability for the post, make them permanent in proportionate to the vacant permanent post and the other conditions of their service and Rules of service.*
- iv) No order as to costs."*

Thus, in the order, the reference is made of Exh.-A colly. with Exh. C-13 of the Complaint. Hence, the learned C.P.O was directed to produce the Certified Copy of Exh.-A colly. with Exh. C-13 of the said Complaint by obtaining from the Industrial Court. The said copy was obtained and produced by the learned C.P.O. Exh.-A colly. with Exh. C-13 is the list of Members of the Association of Ward boys, Ayas and Safai Kamgars working in J.J Hospital as Badli Workers. Admittedly, the names of the present applicants are mentioned in Exh.-A colly. with Exh. C-13. Thus, the judgment and order dated 29.7.2003 of the Industrial Court in Complaint (ULP) No.248/1996, is also applicable to the present applicants who are 122 in number. It is to be noted that other than Complaint No.248/1996 earlier another Complaint (ULP) No. 1271/1993 was filed by Badli Workers in J.J Hospital, namely, Jayraj Hate & Ors, in which the Industrial Court has granted relief to the Complainants by order dated 20.1.2003 and held that the Respondents have indulged in unfair labour practices. The said judgment and order was challenged by the Respondent-State before the Hon'ble Bombay High Court in Criminal Writ Petition No.1060/2005, wherein by order dated 22.10.2013, the judgment and order of the Industrial Court was upheld. Thereafter, Contempt proceedings was filed before the Second Labour Court, Mumbai and by order dated 29.12.2017, cost of Rs.5000/- was

imposed on the Respondent-State for non-compliance of the order of the Industrial Court dated 20.1.2003. However, the judgment and order dated 29.7.2003 in Complaint (ULP) No.248/1996 was not challenged before the Hon'ble High Court by the Respondent-State, wherein the applicants are the party to the Complaint. Thus, the said judgments and orders of the Industrial Court as on today hold the field. Therefore, the operative portion of the order and judgment is a decisive factor in deciding these Original Applications. No cut-off date is mentioned in the said judgments.

14. Learned C.P.O had explained how the order of the Industrial Court was implemented by the Respondent-State by giving employment to the Badli Workers, whose names were mentioned in Exh.C-3. Learned C.P.O relied on the affidavit in reply dated 20.12.2021 filed by Vaishali M. Sule, Deputy Secretary in the office of the Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, along with Exh.-A colly. with Exh. C-13, the list of Badli Workers who are the Members of the Sarva Mazdoor Sangh along with two other lists. First, A-list list was of 277 eligible Badli Workers and out of which services of 227 Badli Workers were regularized. However, the names of the Badli Workers who were in the second list, B-list were found ineligible and therefore, their services were not regularized. The names of the present applicants, most of the 122 applicants are included in the said list, i.e. B-list

15. On perusal of both the lists, it is found that the criterion of continuous working of 240 days each year for 10 years as on 31.03.2007 plus having the educational qualification of passing 4th standard were applied. Learned C.P.O relied on the Recruitment Rules dated 30.9.1995, issued by G.A.D regarding recruitment of Government servants in Group A, B, C & D. Learned C.P.O

pointed out that the Ward Boys and Sweepers though form one group and for them the required educational qualification is that the candidate should have passed 4th standard. The reason of ineligibility of the applicants mentioned in the remarks column is mostly on account of long leave and therefore, they could not fulfill the required attendance of work of 240 days in a year till 31.03.2007, the cut-off date fixed by the State in G.R. dated 07.12.2015. I state that the adoption of such back dated cut-off date 31.03.2007 in Government Resolution dated 7.12.2015 for implementation of the order of the Industrial Court is itself fallacious.

16. Learned counsel for the applicants Mr Sadavarte, while meeting this affidavit in reply filed by Vaishali M. Sule (supra) has submitted that the G.A.D by order dated 30.10.1995 by issuing G.R cannot make the recruitment rules. Thus, they are executive instructions, which is not a law. Therefore, the criterion of educational qualification cannot be applied to those Badli Workers or Safai Kamgars. The arguments of Mr. Sadavarte regarding the mandate of G.R. dated 30.10.1995 is not tenable in law. The G.R. is issued in the name of His Excellency the Governor under Article 166 r/w. 309 proviso. The executives are empowered to issue the executive orders which take the character of law if at all these orders are issued in the name of His Excellency the Governor. Thus by issuing this G.R. the Government has clarified that minimum education qualification of 4th standard pass for all Class-IV employees which cannot be said as illegal. Learned counsel for the applicants further has pointed out that the regularization of Badli Workers is also accepted and recommended in the opinion of the Law & Judiciary Department by letter dated 23.6.2020. Learned counsel for the applicants argued that the judgment and order passed by the Bombay High Court in **Bhartiya Kamgar Sena**

(supra) is also to be considered. Moreover submissions of learned Advocate for the Applicants that the Applicants were subjected to discrimination because they have also fulfilled criterion of 240 days working for 10 years as on 31.03.2007 are not acceptable. The learned Advocate could not demonstrate satisfactorily how the applicants had completed this criterion as on 31.03.2007, though his further submissions that they have fulfilled the criterion in 2015 or at the time of filing of the application are correct.

17. The regular employees get the salary when they are on leave. However, the persons who are temporary substitute are also paid for those 29 days and further 29 days from time to time when they are required. Therefore, the State has rightly discontinued giving appointment as badli workers since 1999, but these applicants have continued to work in the J.J Group of Hospitals due to the intervention of the Courts order in the year 1996 which was not in force after final decision of the Industrial Court. However, after 2003 due to high percentage of leave of the regular Class-IV employees and the essential nature of service of Class-IV employees as it is mandatory to keep the cleanliness and high standard of hygiene in the hospitals. The Badlis continued till today.

18. The judgment of the Hon'ble Supreme Court in **Narendra Kumar Tiwari's case, (supra)**, is not applicable in the present case, because in the said case, there was a special situation in Jharkhand wherein the criterion of 10 years of continuous service could not have been fulfilled because the State of Jharkhand was created in the year 2010, i.e. after the judgment of the Hon'ble Supreme Court in **Umadevi's case (supra)**. The said peculiar issue in Jharkhand, was considered in Narendra Kumar Tiwari's case.

19. The issue of absorption of adhoc employees was considered in the case of **Umadevi's case (supra)**. However, that absorption is to be done by following certain conditions and on fulfillment of minimum qualification. Coming to the judgment of Industrial Court in the case of Union of Association of the Applicants, admittedly, the names of the applicants were not recommended by the Employment Exchange and therefore their appointments though are irregular, but not illegal. The appointments of these badli workers cannot be questioned in view of the exigencies of services. In **Umadevi's case (supra)** as the Hon'ble Supreme Court has acknowledged the peculiar nature of service of these badli workers whose appointments are irregular but not illegal and at paragraph 53 of its judgments has directed the Union and the State Government,

“to take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals.”

The method of a one time measure is further interpreted by the Hon'ble Supreme Court in the judgment of **M.L. Kesari (supra)**, where it is said that till the last person who fulfills the criterion is regularized that can be done and whose names were not considered or who have missed it can be considered subsequently. Hence, it is not disputed that the directions given by the Hon'ble Supreme Court of applying the criterion of service of 10 years with 240 days attendance is to be applied read with the order passed by the Industrial Court

20. The affidavit-in-reply dated 20.12.2021 filed by Ms. Vaishali M. Sule, Deputy Secretary in the office of the Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai discloses that there were total 862 Class-IV employees and as per the said

affidavit, services of 336 badli kamgar of J.J Group of Hospitals have been regularized as per G.R. dated 07.12.2015 and out of 336, 335 badli kamgar were from List-A read with Exhibit-C-3. The badli kamgars who were found eligible as on cut-off date 31.03.2007 their services were regularized. List-B in the said documents is the list of non-eligible badli kamgars i.e. Applicants. Out of 324 non-eligible badli kamgars, 95 badli kamgars from List-B are the applicants in the present Original Applications. Thus, it shows that their case were considered at that time as per the order of the Industrial Court dated 29.07.2003 in Complaint (ULP) No.248/1996. Thus the order of Industrial Court was duly complied. As per the service Rules the educational qualification of Safaikamgar is 4th standard. However, as per policy of the State if a person is not educated upto 4th standard then he or she can be accommodated in some other similar post.

21. The level of hygiene and cleanliness undoubtedly cannot be compromised in any Hospitals. It is the fact that Class-IV employees take leave frequently and the Government had no option but to continue the services of these badli workers. However, it is necessary for the Government to find out the permanent solution as the issue cannot be kept unresolved for such a long time at the cost of hygiene and health of the patients. It is high time for the Government to fill-up all the vacant posts.

22. The learned C.P.O. has relied on the judgment of the Hon'ble Supreme Court in case of **Ilmo Devi & Anr (supra)**. In the said matter the order of C.A.T. was challenged before the Hon'ble High Court of Punjab and Haryana at Chandigarh wherein it directed to reformulate the regularization and absorption policy to take a decision to sanction the posts in a phased manner. Hence, the Appeal was preferred before the Hon'ble Supreme Court. The

Respondents (Original Applicants) were working as Part Time Sweepers for more than 5 hours a day. They applied for their regularization, alternatively they be given temporary status w.e.f. 19.11.1989. It was opposed by the State on the ground that they are working for less than 5 hours. Hence not entitled to temporary status, so also it was argued that there is no regular sanctioned post of Safaiwala in that particular post office in Chandigarh. The Hon'ble Supreme Court held that there is no sanctioned post of Safaiwala in the said establishment. No documentary evidence is available that the Respondents were working continuously and temporarily though were working as contingent paid part-time sweepers. They were not appointed by following due procedure. Though it can be said that their appointments were not irregular, however in absence of sanctioned posts in the post-office where they were working regularizing their services was not possible. The Hon'ble Supreme Court referred the regular policy of 240 days work for 10 years as laid down in the case of **Umadevi's case (supra)**. It was held that the Hon'ble High Court in exercise of the power under Article 336 of the Constitution cannot issue Mandamus and/ or direct the Department to sanction and create the posts and also cannot direct the Government or the Department to formulate a particular regularization policy. It is the sole prerogative of the Government even the regularization policy to regularize the services of the employees working on temporary status or casual labourers is the policy decision and the Court cannot issue Mandamus. The Hon'ble Supreme Court mainly held that the status of permanency cannot be granted when there is no permanent post. The Hon'ble Supreme Court relied on the judgment of **State of Rajasthan & Ors. Versus Daya Lal and Ors. (2011), 2SCC 429** and reproduce the relevant paragraphs :

“As per the settled preposition of law, the regularization can be only as per the regularization policy declared by the State / Government and nobody can claim the regularization as a

matter of right de hors the regularization policy. Therefore, in absence of any sanctioned post and considering the fact that the respondents were serving as a contingent paid term Safai Karamcharies, even otherwise, they were not entitled for the benefit of regularization under the regularization policy dated 30.06.2014.”

The present case stands on different footing than **Ilmo Devi & Anr (supra)**. The Applicants in the present case have worked as full time Badli workers and not as Part time workers. As per the affidavit filed by Ms. Vaishali Sule, Deputy Secretary on 10.11.2020 and also on 20.12.2021, wherein the chart of vacant post is shown as follows :-

Sr. No.	Cadre	Sanctioned posts	Filled up posts	Vacant posts
1.	Safaigar	352	348	4
2.	Class-4 (Direct/ Nomination)	694	504	190

Thus, vacant posts were available in the present case.

The affidavit states that pursuant to G.R. dated 01.07.2015, 336 Badli workers of Sir JJ Group of Hospitals had been regularized and 335 Badli kamgars out of them are from those 3 lists and the selection is as follows :-

Sr. No.	List	Number of badli workers in Exhibit A (Colly) with Exhibit C-13	Number of Badli workers regularized from among the column No.3 vide Government Resolution dated 7.12.2015
1	2	3	4
1	Male Safaigar	120	60
2	Female Safaigar	141	48
3	Kaksh Sevak	601	228
	Total	862	336

Exh.-A colly. with Exh. C-13 in the Industrial Court is the list of 603 Badli Kamgars of Kaksh-sevak ward boys is Exhibit R-1 to the affidavit.

The list of 603 total Badli Kamgars, Kaksh-sevak ward boys is enclosed as Exhibit R-2 to the affidavit. Out of them the list of 227 was prepared as (अ - यादी - पात्र). They were found suitable and regularized. 277 Badli Kamgars were regularized pursuant to G.R. 07.12.2015 which is marked at Exhibit R-3 i.e. (अ - यादी - पात्र). (ब - यादी - अपात्र) is made of non-eligible of 324 Badli Kamgars i.e. Kaksh-sevak ward boys i.e. (ब - यादी - अपात्र) which is marked as R-4, so the criterion fixed by the Government of 10 years service of the Badli kamgars with 240 days in a year was applied.

23. The Industrial Court by the two orders have held that if the Badli workers i.e. Complainants are made to work as Badlis for years together it will amount to Unfair Labour Practices under the item 6 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention Unfair Labour Practices Act, 1971 (MRTU & PULP Act). This finding is final and holds the field as on today also. Obviously in the order of the Hon'ble High Court dated 22.10.2013 in Criminal Writ Petition No.1060/2005, thereby confirming the judgment of the Industrial Court there is no mention of the criterion of 10 years and 24 days which is specified in the judgment of **Umadevi (supra)** decided later i.e. on 10.04.2006. In the G.R. of 07.12.2015 also there is no mention or reference of the judgment of **Umadevi (supra)**. Only at Clause 8 the Government has adopted the formula i.e.

(८) सदर बदली कर्मचा-याने प्रत्येक आर्थिक वर्षात किमान २४० दिवस इतकी सेवा केलेली असली पाहिजे.

24. The defense taken by the Respondents that the Applicants cannot fulfill the requisite criterion, is blatantly erroneous. Had the Government implemented the order of Industrial Court immediately i.e. in the year 2003 or 2004 itself and would have discontinued the practice of Badli after 2003; this complicated situation would not have arisen. The continuation of practice of

Badlis even after the judgment of the Industrial Court resulted in continuation of unfair labour practice. Therefore as submitted by learned Counsel Mr. Sadavarte the case of the Applicants is fully covered by the judgment of Industrial Court. The applicants have completed 240 days working for 10 years till 2015. Thus the Applicants are also to be regularized in proportionate to vacant permanent posts and the other conditions of their services and rules of service which were prevailing in the year 2015. In the year 2015 the Respondent-State has lost the sight that the criterion of cut-off date of 31.03.2007 was applied in a wrong manner. In view of the fact that though the services of the Badli workers were declared as Unfair Labour Practices under the item 6 and 9 of Schedule IV of the MRTU & PULP, 1971, the Respondent continued to call these present applicants on Badli whenever they were required, though the practice of Badli's was discontinued in the year 1999. Thereafter no new Badli worker was taken on role by the Respondent; that was the correct policy decision of the Respondent-State. However, the Respondents have missed the basic legal point that as per judgment of the Industrial Court which is in force as on today the Badli workers who continued to work not only upto 2015 but till the date of the filing of the application were not discontinued. Thus, the case of the present applicants is required to be considered afresh in the light of the finding of the Industrial Court on the ground of Unfair Labour Practices.

25. The Respondent is a welfare State and cannot indulge unto unfair labour practices, especially when such finding is given by the Industrial Court. On query I am informed by the Respondent that the services of the Badli - Wardboys, Sweepers and Ayas was very much used during the period of COVID-19 pandemic with great risk and exposure and two of them succumbed to COVID-19.

26. The services and the type of job of Badlis remained the same and they continued to work for such a long period of 20 to 22 years. I could, with the help of Respondents find out how many applicants have completed 10 years with 240 days in a year, till 2015 and it is found that most of them have fulfilled this criterion. The Industrial Court was competent to decide the issue of Unfair Labour Practices and this Tribunal cannot take other view. Thus, the Respondents cannot apply the new recruitment rules but they will have to absorb all the applicants as per the order given by the Industrial Court. Had the Government not continued the services of the applicants after 2007 or 2015 to stop the unfair labour practices the applicants would not have come before the Court. However, it did not happen so. As on today in J.J. Group of Hospital following vacancies are available :

1	J.J. Hospital	110 Badlis
2	Grant Medical College	15 Badlis
3	Nursing	7 Badlis
Total		132

I rely on the recent G.R. dated 21.01.2020 by which services of Badlis in St. George Hospital were regularized in view of the judgment and order passed by the Maharashtra Administrative Tribunal in O.A.No.471 of 2019 on 01.01.2019, relying on the same judgment of the Industrial Court dated 20.01.2003 in U.L.P. No.1271 of 1993. In the judgment of **Arvind Kumar Srivastava (supra)** the Hon'ble Supreme Court held that,

22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identical situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. The principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal

rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

27. Thus, the right of the Applicants accrued to get the regularization subject to service Rules and suitability, when the judgments/orders of Industrial Court were passed. Thus, the Applicants are to be regularized pursuant to the judgments/orders of the Industrial Court and the suitability is to be verified on the basis of the then existing Recruitment Rules, if any. It is to be implemented till the date of filing of the present Original Application. As mentioned earlier the educational qualification of Class-IV employees, Safai Kamgars in J.J. Group of Hospital should be 4th standard pass. 4 Applicants out of 122 Applicants have not studied upto 4th standard. However, it is made clear that they cannot be treated at this stage as unsuitable because the Respondent-State has allowed them to work for a long period of more than 10 years. The arguments that suitability criterion is not required for the appointment of Badli workers is also not tenable because appointing continuously unsuitable persons for such a long period also amounts to unfair labour practice as declared by the Industrial Court. Moreover the job of Safai Kamgars is of unskilled labour and therefore exception of these four applicants who are not having requisite educational qualification of 4th standard pass will not affect adversely in any manner the degree of cleanliness or hygiene in J.J. Group of Hospital. Thus, they are to be regularized considering their services. This order is to be implemented within four weeks i.e. upto 16.03.2022. Thus when the posts are available Badlis are to be accommodated against the said posts.

28. Original Application is allowed in view of paragraph 27 and the order is to be implemented accordingly.

Sd/-

**(Mridula Bhatkar, J.)
Chairperson**

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