

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**ORIGINAL APPLICATION NO.633 OF 2015
WITH
ORIGINAL APPLICATION NO.585 OF 2015
WITH
ORIGINAL APPLICATION NO.467 OF 2015
WITH
ORIGINAL APPLICATION NO.638 OF 2015
WITH
ORIGINAL APPLICATIO NO.667 OF 2015
WITH
ORIGINAL APPLICATION NO.791 OF 2015
WITH
ORIGINAL APPLICATION NO.822 OF 2015
WITH
ORIGINAL APPLICATION NO.524 OF 2015
WITH
ORIGINAL APPLICATION NO.589 OF 2015
WITH
ORIGINAL APPLICATION NO.606 OF 2015
WITH
ORIGINAL APPLICATION NO.636 OF 2015
WITH
ORIGINAL APPLICATION NO.742 OF 2015
WITH
ORIGINAL APPLICATION NO.766 OF 2015
WITH
ORIGINAL APPLICATION NO.767 OF 2015
WITH
ORIGINAL APPLICATION NO.768 OF 2015
WITH
ORIGINAL APPLICATION NO.786 OF 2015
WITH
ORIGINAL APPLICATION NO.808 OF 2015
WITH
ORIGINAL APPLICATION NO. 960 OF 2015
WITH**

**ORIGINAL APPLICATION NO. 904 OF 2015
WITH
ORIGINAL APPLICATION NO. 1054 OF 2015
WITH
ORIGINAL APPLICATION NO. 738 OF 2016
WITH
ORIGINAL APPLICATION NO.632 OF 2015
WITH
ORIGINAL APPLICATION NO.648 OF 2015
WITH
ORIGINAL APPLICATION NO.809 OF 2015**

ORIGINAL APPLICATION NO.633 OF 2015

1. Shri Dhanesh G. Pore.)
2. Shri Santosh D. Gaikwad.)
3. Shri Mulla M. Allauddin.)
4. Shri Santosh A. Kholgade.)
5. Shri Gajendra B. Jadhav.)
6. Shri Vijay M. Kusekar.)
7. Shri Vijay S. Deshmukh.)
8. Shri Vikram S. Borawake.)
9. Shri Sachin S. Yeole.)
10. Shri Jagannath N. Shinde.)
11. Shri Sachin T. Sawant.)
12. Shri Yogesh S. Karande.)
13. Shri Manik S. Adurkar.)
14. Shri Prashant S. Gaikwad.)
15. Shri Santosh H. Kumbhar.)
16. Shri Avinash L. Kharat.)
17. Shri Sandip G. Chavan.)
18. Shri Arun A. Patil.)
19. Shri Vinayak H. Kadam.)
20. Shri Santosh U. Gurav.)
21. Shri Vijay P. Dhembe.)
22. Smt. Swati S. Bhosale.)
23. Smt. Sushma S. More.)
24. Smt. Rupali R. Bhujbal.)

25. Mrs. Ashma M. Mulla.)
 26. Smt. Rashmi B. Karanjikar.)
 27. Shri Ganesh B. Umate.)
 28. Shri Adhik A. Kadam.)
 29. Shri Sunil V. Chavan.)

All Craft Instructors, C/o. Shri A.V.)
 Bandiwadekar, Advocate, M.A.T. Mumbai)...**Applicants**

Versus

1. The State of Maharashtra.)
 Through Principal Secretary,)
 Higher & Technical Education Dept.,)
 Mantralaya, Mumbai – 400 032.)
2. The Director of Vocational Education)
 & Training, Pune, having office at 3,)
 Mahapalika Marg, Mumbai – 400 001.)
3. The Joint Director of Vocational)
 Education & Training, Pune Region,)
 Ghole Road, Pune – 411 005.)
4. The State of Maharashtra.)
 Through Principal Secretary,)
 Skill Development & Entrepreneurship)
 Department, Mantralaya,)
 Mumbai – 400 032.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.585 OF 2015

- Miss Komal Dayanand Katte.)
 Craft Instructor (Wireman),)
 Govt. Industrial Training Institute, Vita,)
 District : Sangli.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through the Principal Secretary,)
Higher & Technical Education Dept,)
Department, Mantralaya,)
Mumbai – 400032.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, Ghole Road, Pune-5.)
4. The Principal,)
Govt. Industrial Training Institute,)
Vita, Taluka Khanapur, District : Sangli.)
5. The Principal Secretary,)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai-32) **...Respondents**

WITH

ORIGINAL APPLICATION NO.467 OF 2015

- Shri Vinod Ramchandra Badekar.)
Trade Instructor (Fitter), Govt. ITI,)
Near Parihar Chowk, Aundh, Pune-7)
At & Post Gudhe, Tal. Patan, Dist Satara) **...Applicant**

Versus

1. The State of Maharashtra,)
Through the Principal Secretary,)
Higher & Technical Education Dept.,)
Mantralaya, Mumbai – 400032.)
2. The Director of Vocational Education &)
Training, 3, Municipal Corporation Road,)

- Post Box No.1967, Near Cama Hospital,)
Mumbai – 400001.)
3. The Jt. Director of Vocational Education)
and Training, Ghole Road, Pune - 5.)
4. The Principal.)
Govt. Industrial Training Institute,)
Near Parihar Chowk, Aundh, Pune - 7.)
5. The Principal Secretary.)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai-32)...Respondents

WITH

ORIGINAL APPLICATION NO.638 OF 2015

- Shri Pravin Janbarao Deshmukh.)
Craft Instructor,)
Govt. Industrial Training Institute,)
Shivaji Nagar, Alibaug, District Raigad)...Applicant

Versus

1. The State of Maharashtra,)
Through the Principal Secretary,)
Higher & Technical Education)
Department, Mantralaya,)
Mumbai – 400032.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal Secretary.)
Skill Development and Entrepreneurship)

Department, Mantralaya, Mumbai-32.)...Respondents

WITH

ORIGINAL APPLICATION NO.667 OF 2015

1. Shri Rajesh Ganesh Dhabale.)
Group Instructor, ITI, Mangaon, Raigad.)
2. Shri Pravin Shantaram Kamble.)
ITI, Shrivardhan, District : Raigad.)...Applicants

Versus

1. The State of Maharashtra.)
Through the Principal Secretary,)
Higher & Technical Education)
Department, Mantralaya,)
Mumbai – 400032.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal Secretary.)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)...Respondents

WITH

ORIGINAL APPLICATION NO.791 OF 2015

- Shri Rupesh Ragho Kadaw.)
C/o Industrial Training Institute,)
At, Post & Taluka : Mahad, District Raigad.)...Applicant

Versus

1. The State of Maharashtra,)
Through the Secretary,)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai-32)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai 400051)
4. The Principal,)
Govt. Industrial Training Institute,)
Mahad, District : Raigad.) **)...Respondents**

WITH**ORIGINAL APPLICATION NO.822 OF 2015**

1. Shri Nitin Keshav Sonawane,)
Trade/Craft Instructor (Mechanic Motor)
Vehicle), I.T.I. Chandwad,)
District : Nashik.)
2. Shri Prashant Sahebrao Paradeshi,)
Trade/Craft Instructor (Wireman),)
I.T.I., Peth, District Nashik)
3. Shri Pravin Bhagchand Sangale,)
Craft/Trade Instructor Welder (Gas &)
Electric), I.T.I. Surgana, District Nashik)
4. Smt. Rajashree Vihaykumar Phalke,)
Trade/Craft Instructor (Electronics),)
I.T.I. Sinnar, District Nashik)
5. Shri Deepak Shivram Jagtap,)

Trade/Craft Instructor (Mechanic Motor)
 Vehicle), Govt. ITI, Surgana, Taluka,)
 Surgana, District : Nashik.)...Applicants

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Higher & Technical Education Dept.,)
 Mantralaya, Mumbai – 400032.)
2. The Director of Vocational Education &)
 Training, 3, Mahapalika Marg,)
 Mumbai – 1.)
3. The Jt. Director of Vocational Education)
 and Training, Old Agra Road, Nashik)
4. The Principal.)
 Govt. Industrial Training Institute,)
 Chandwad, District : Nashik.)
5. The Principal.)
 Govt. Industrial Training Institute,)
 Peth, District : Nashik.)
6. The Principal.)
 Govt. Industrial Training Institute,)
 Surgana, District : Nashik)
7. The Principal.)
 Govt. Industrial Training Institute,)
 Sinnar, District : Nashik.)
8. The Principal Secretary.)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai – 32.)...Respondents

WITH

ORIGINAL APPLICATION NO.524 OF 2015

1. Shri Sunil Bhatu Patil.)

Group Instructor, Govt. Industrial)
 Training Institute, Satpur,)
 District : Nashik - 422007)

2. Mrs. Shital Anil Dhakrao.)
 Group Instructor, Govt. Industrial)
 Training Institute, Yeola, District : Nashik.)...**Applicants**

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Higher & Technical Education)
 Department, Mantralaya,)
 Mumbai – 400032.)

2. The Director of Vocational Education &)
 Training, 3, Municipal Corporation Road,))
 Post Box No.1967, Near Cama Hospital,)
 Mumbai – 400001.)

3. The Jt. Director of Vocational Education)
 and Training, Old Agra Road, Nashik - 2.)

4. The Principal.)
 Govt. Industrial Training Institute,)
 Satpur, District Nashik – 422007.)

5. The Principal.)
 Govt. Industrial Training Institute,)
 Yeola, District : Nashik.)

6. The Principal Secretary.)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai – 32.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.589 OF 2015

Shri Tushar Vasant Nikam.)
 Trade Instructor, Govt. Industrial Training)

Institute, Ulhasnagar, District : Thane.

)...Applicant

Versus

1. The State of Maharashtra,)
Through the Principal Secretary,)
Higher & Technical Education)
Department, Mantralaya,)
Mumbai - 400032.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal.)
Govt. Industrial Training Institute,)
Ulhasnagar, District : Thane.)
5. The Principal Secretary.)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)...Respondents

WITH

ORIGINAL APPLICATION NO.606 OF 2015

1. Smt. Sharmila Dnyaneshwar Udavant.)
Mathematics and Drawing Instructor,)
Govt. Industrial Training Institute,)
Igatpuri, District: Nashik.)
2. Mrs. Sonali Chandrashekhar Bhandari,)
Trade Instructor (Machinist Grinder),)
Govt. Industrial Training Institute,)
Satpur, District Nashik – 422007.)
3. Shri Nilesh Rajendra Bhavsar.)
Trade Instructor (COPA),)
Govt. Industrial Training Institute,)

- Satpur, District Nashik – 422007.)
4. Shri Sachin Shivaji Sonawane.)
Trade Instructor (Fitter),)
Govt. Industrial Training Institute,)
Trimbakeshwar, District : Nashik.)...Applicants

Versus

1. The State of Maharashtra.)
Through the Principal Secretary,)
Higher & Technical Education)
Department, Mantralaya,)
Mumbai – 400032.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, Old Agra Road, Nashik.)
4. The Principal.)
Govt. Industrial Training Institute,)
Satpur, District : Nashik.)
5. The Principal.)
Govt. Industrial Training Institute,)
Igatpuri, District : Nashik.)
6. The Principal.)
Govt. Industrial Training Institute,)
Trimbakeshwar, District : Nashik.)
7. The Principal Secretary.)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)...Respondents

WITH

ORIGINAL APPLICATION NO.636 OF 2015

1. Shri Chandrasen Rama Kale.)
Trade/Craft Instructor (Fitter),)
Govt. Industrial Training Institute,)
Bhiwandi, District : Thane.)
2. Shri Ganesh Shankar Walam.)
Trade/Craft Instructor (Mechanic Motor)
Vehicle), Industrial Training Institute,)
Wagle Estate, District : Thane) **)...Applicants**

Versus

1. The State of Maharashtra,)
Through the Principal Secretary,)
Higher & Technical Education)
Department, Mantralaya,)
Mumbai – 400032.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal.)
Govt. Industrial Training Institute,)
Bhiwandi, District : Thane.)
5. The Principal Secretary.)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.) **)...Respondents**

WITH**ORIGINAL APPLICATION NO.742 OF 2015**

1. Shri Anil Dnyandeo Gawande.)
Craft Instructor (Turner),)

- I.T.I. Shahapur, District : Thane.)
2. Shri Shaikh Imran Isak.)
 Craft Instructor (Machinist),)
 I.T.I. Shahapur, District : Thane.)
3. Shri Vivek Durvas Kamankar.)
 Trade Instructor (Mechanic Motor)
 Vehicle), I.T.I. Shahapur, District : Thane.)
4. Shri Prakash Gajanan Marke.)
 Craft Instructor (Electrician),)
 I.T.I. Talasari, District : Thane.) **)...Applicants**

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Higher & Technical Education)
 Department, Mantralaya,)
 Mumbai – 400032.)
2. The Director of Vocational Education &)
 Training, 3, Mahapalika Marg,)
 Mumbai – 1.)
3. The Jt. Director of Vocational Education)
 and Training, 49, Kherwadi, Bandra (E),)
 Mumbai – 400051.)
4. The Principal.)
 Govt. Industrial Training Institute,)
 Shahapur, Ganeshwadi, Sauroli Road,)
 District : Thane.)
5. The Principal.)
 Govt. Industrial Training Institute,)
 Talasari, District : Thane.)
6. The Principal Secretary.)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai – 32.) **)...Respondents**

WITH**ORIGINAL APPLICATION NO.766 OF 2015**

Smt. Smita Maruti Naikade.)
 C/o Industrial Training Institute,)
 Nandvi, At Post Purar, Taluka Mangaon,)
 District : Raigad – 402103.)...Applicant

Versus

1. The State of Maharashtra.)
 Through the Secretary,)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai – 32.)
2. The Director of Vocational Education &)
 Training, 3, Mahapalika Marg,)
 Mumbai – 1.)
3. The Jt. Director of Vocational Education)
 and Training, 49, Kherwadi, Bandra (E),)
 Mumbai – 400051.)
4. The Principal.)
 Govt. Industrial Training Institute,)
 At Post Purar, Taluka Mangaon,)
 District : Raigad – 402103.)...Respondents

WITH**ORIGINAL APPLICATION NO.767 OF 2015**

Shri Rizvan Hasan Waghoo.)
 C/o Industrial Training Institute,)
 At Nizampur (Mangaon), Taluka Mangaon,)
 District : Raigad.)...Applicant

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal.)
Govt. Industrial Training Institute,)
Nizampur (Mangaon), Taluka Mangaon,)
District : Raigad.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.768 OF 2015**

- Shri Nitin Dattatraya Vyapari.)
C/o Industrial Training Institute,)
At & Post, Taluka Tala,)
District : Raigad – 421601.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)

and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)

4. The Principal.)
Govt. Industrial Training Institute,)
At, Post, Taluka Tala,)
District : Raigad – 421601.)...Respondents

WITH

ORIGINAL APPLICATION NO.786 OF 2015

Shri Chandrashekar Rangrao Jadhao.)
C/o Industrial Training Institute,)
At, Post & Taluka Kalyan, District : Thane.)...Applicant

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)
2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal.)
Govt. Industrial Training Institute,)
At, Post, Taluka Kalyan, District : Thane.)...Respondents

WITH

ORIGINAL APPLICATION NO.808 OF 2015

Shri Sameer Narendra Mayekar.)
 C/o Industrial Training Institute, Nandvi,)
 Post Purar, Tal. Mangaon, District : Raigad.)...**Applicant**

Versus

1. The State of Maharashtra.)
 Through the Secretary,)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai – 32.)
2. The Director of Vocational Education &)
 Training, 3, Mahapalika Marg,)
 Mumbai – 1.)
3. The Jt. Director of Vocational Education)
 and Training, 49, Kherwadi, Bandra (E),)
 Mumbai – 400051.)
4. The Principal.)
 Govt. Industrial Training Institute,)
 At Nandvi, Post Purar, Tal. Mangaon,)
 District : Raigad.)...**Respondents**

WITH**ORIGINAL APPLICATION NO. 960 OF 2015**

1. Shri Vinod Ramchandra Badekar,)
2. Shri Sandip Ananda Malvekar,)
3. Shri Abhijit Sidram Powar,)
4. Shri Vijaykumar Subhash Swami,)
5. Shri Vaibhav Jagannath Sutar,)
6. Shri Mandkumar Dhondiba Kalgonda,)
7. Shri Sunil Bhatu Patil,)
8. Mrs. Shital Anil Dhakrao,)
9. Mrs. Sonali Chandrashekhar Bhandari,)

10. Shri Nilesh Rajendra Bhavsar,)
 11. Shri Sachin Shivaji Sonawane,)
 12. Shri Niteen Keshav Sonawane,)
 13. Shri Prashant Sahebrao Paradeshi,)
 14. Shri Chandrasen Rama Kale,)
 15. Shri Chandrashekhar Rangrao Jadhao,)
 16. Shri Santosh Uttam Gurav.)
 All C/o Ms. Ranjana Todankar, Advocate,))
 M.A.T. Mumbai)...Applicants

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Higher & Technical Education)
 Department, Mantralaya,)
 Mumbai – 400032.)
2. The Principal Secretary.)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai – 32.)
3. The Director of Vocational Education &)
 Training, 3, Mahapalika Marg,)
 Mumbai – 1.)...Respondents

WITH

ORIGINAL APPLICATION NO. 904 OF 2015

- Shri Prasad Shantaram Kamble.)
 Trade/Craft Instructor,)
 Govt. Industrial Training Institute,)
 Wada, District : Thane.)...Applicant

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Higher & Technical Education Dept.,)
 Mantralaya, Mumbai – 400032.)

2. The Director of Vocational Education & Training, 3, Mahapalika Marg, Mumbai – 1.)
3. The Jt. Director of Vocational Education and Training, 49, Kherwadi, Bandra (E), Mumbai – 400051.)
4. The Principal. Govt. Industrial Training Institute, Wada, District : Thane.)
5. The Principal Secretary. Skill Development and Entrepreneurship Department, Mantralaya, Mumbai – 32.)...Respondents

WITH

ORIGINAL APPLICATION NO. 1054 OF 2015

1. Shri Sandeep Ramchandra Pawar,)
 2. Shri Manoj Maruti Bhatkar,)
 3. Mrs. Dipali Chandrashekhar Bhavsar,)
 4. Shri Suyog Sanjiv Sheth,)
 5. Smt. Poonam Prabhakar Chikane,)
 6. Shri Vidhyesh Ramchandra Dhuri,)
 7. Shri Yogeshkumar Subhash Garude,)
 8. Smt. Sheetal Shantilal Dhamunse,)
 9. Shri Nanabhau Shivaji Dandawate,)
 10. Shri Vinay Vijay Mathkar,)
 11. Shri Satish Ramkrishna Potdar,)
 12. Shri Satish Dinkar Chavan,)
 13. Shri Jayant Ramdas Kharade,)
 14. Shri Kamalesh Madhukar Dharne,)
 15. Shri Prashant Pralhad Kambale,)
 16. Shri Manoj Vinayak Patil,)
 17. Shri Rohidas Prakash Pise,)
 18. Shri Rahul Dharma Chaudhari,)
 19. Shri Rakesh Arjun Kudale.)
- All C/o Ms. Ranjana Todankar, Advocate,)
M.A.T. Mumbai)...Applicants

Versus

1. The State of Maharashtra.)
The Principal Secretary,)
Skill Development and Entrepreneurship)
Department, Mantralaya, Mumbai – 32.)
 2. The Director of Vocational Education &)
Training, 3, Mahapalika Marg,)
Mumbai – 1.)
 3. The Jt. Director of Vocational Education)
and Training, 49, Kherwadi, Bandra (E),)
Mumbai – 400051.)
 4. The Principal Secretary.)
Higher & Technical Education)
Department, Mantralaya,)
Mumbai – 400032.)
-)...Respondents**

WITH**ORIGINAL APPLICATION NO. 738 OF 2016**

1. Shri Pankaj B. Wagh.)
Age : 35 Yrs, Occu.: Nil,)
R/at D/5/3, Rajaya Karmachari)
Hsg.Soc, Ashok Nagar, Satpur,)
Nashik – 422 007.)
2. Shri Vijendra S. Kolekar.)
Age : 33 Yrs, Occu.: Nil,)
R/at Sahyadri Nagar, Gangadbari,)
Nandgaon, At/P. Tal. Nandgaon,)
District : Nashik.)
3. Shri Jagdish V. Jadhav.)
Age : 32 Yrs, Occu.: Nil,)
R/at Post Pimpalnare, Tal. Dindori,)
District : Nashik.)
4. Shri Mahendra H. Kale.)

- Age : 35 Yrs, Occu.: Nil,)
R/at At Post Khicha Maliwada,)
Junnar, District : Pune.)
5. Shri Arun R. Madhavai.)
Age : 37 Yrs, Occu.: Nil,)
R/at At Kuldongi, Post : Sekara,)
Tal.: Nandgaon, District Nashik.)
6. Shri Prashant V. Nerkar.)
Age : 40 Yrs, Occu.: Nil,)
R/at At Post Chinchwar, Tal.: Dhule,)
Dist : Dhule.)
7. Smt. Varsha P. Bhor.)
Age : 33 Yrs, Occu.: Nil,)
R/at Mahalaxmi Row House, A-7,)
Swami Samarth Nagar, Pathardi)
Phata, District : Nashik.)
-)...Applicants**

Versus

1. The Secretary.)
Skill Development & Entrepreneurship)
Department (Previous Dept.),)
Higher & Technical Education Dept.,)
Mantralaya, Mumbai - 400 032.)
2. The Director.)
Vocational Education & Training,)
M.S, 3, Mahapalika Marg, P.B.No.)
10036, Mumbai - 400 001.)
3. The Joint Director.)
Vocational Education & Training,)
Old Agra Road, Nashik - 422 002.)
-)...Respondents**

WITH

ORIGINAL APPLICATION NO.632 OF 2015

1. Shri Sandip A. Malvekar.)
2. Shri Abhijit S. Powar.)

3. Shri Vijaykumar S. Swami.)
4. Shri Vaibhav J. Sutar.)
- C/o. Smt. Ranjana Todankar And)
- Shri D.B. Khaire, Advocates, M.A.T,)
- Mumbai.)...Applicants

Versus

1. The State of Maharashtra.)
- Through Principal Secretary,)
- Higher & Technical Education Dept.,)
- Mantralaya, Mumbai – 400 032.)
2. The Director of Vocational Training)
- & Education, State of Maharashtra, 3,)
- Municipal Corporation Road,)
- Post Box No.1967, Near Cama Hospital,)
- Mumbai – 400 001.)
3. The Joint Director of Vocational)
- Education & Training, Pune Region,)
- Ghole Road, Pune – 411 005.)
4. The Principal.)
- Govt. Industrial Training Institute,)
- Near Parihar Chowk, Aundh,)
- Pune – 411 007.)
5. The Principal Secretary,)
- Skill Development & Entrepreneurship)
- Department, Mantralaya,)
- Mumbai – 400 032.)...Respondents

WITH

ORIGINAL APPLICATION NO.648 OF 2015

1. Shri Nandkumar D. Kalgonda,)
2. Shri Santosh S. Gaikwad,)
3. Shri Sharanappa M. Kore,)
4. Shri Ashwini R. Kadam,)
5. Shri Sandip H. Lokhande)

All C/o Shri A.V. Bandiwadekar, Advocate,))
 M.A.T., Mumbai)...Applicants

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Higher & Technical Education)
 Department, Mantralaya,)
 Mumbai - 400032.)
2. The Director of Vocational Education &)
 Training, 3, Mahapalika Marg,)
 Mumbai - 1.)
3. The Jt. Director of Vocational Education)
 and Training, Ghole Road, Pune – 5.)
4. The Principal Secretary.)
 Skill Development and Entrepreneurship)
 Department, Mantralaya, Mumbai - 32.)...Respondents

WITH

ORIGINAL APPLICATION NO.809 OF 2015

Shri Rahul V. Padhen.)
 Occu.: Govt. Service, C/o. Industrial Training)
 Institute at Malegaon (Nizampur),)
 Tal. Mangaon, District : Raigad – 402 120.)...Applicant

Versus

1. The State of Maharashtra.)
 Through the Principal Secretary,)
 Skill Development & Caster)
 Preneurship Dept., Mantralaya,)
 Mumbai – 400032.)
2. The Director of Vocational Education &)

- Training, 3, Mahapalika Marg,)
Mumbai – 1.)
3. The Jt. Director of Vocational Education)
and Training, 49, Aliyawar Jang Road,)
Kherwadi, Bandra (E),)
Mumbai – 400051.)
4. The Principal.)
Govt. Industrial Training Institute,)
At Post Taluka : Mangaon (Nizampur),)
District : Raigad – 402 120.)...Respondents

Shri A.V. Bandiwadekar, Advocate for Applicants in O.A. Nos.633/2015, 585/15.

Shri D.B. Khaire, Advocate for Applicant No.3 in O.A.No.648/2015 and in O.A.632/2015 for Applicant Nos.2, 3 & 4.

Shri K.R. Jagdale, Advocate for Applicant No.5 in O.A.822/15, in O.A.1054/15 for Applicant No.18, in O.A.738/2016 for Applicant Nos.3 & 7 and in O.A.960/2015 for Applicant No.16.

Ms. Ranjana Todankar – Advocate for Applicants in O.A. Nos.467/15, 524/15, 589/15, 606/15, 632/15, 636/15,638/15, 667/15, 738/16, 742/15,766/15, 767/15, 768/15, 786/15, 791/15, 808/15, in O.A.822/15 for Applicant No.3, O.A.Nos. 904/15, 960/15 & in O.A.1054/15 for Applicant Nos. 1 to 4, 7 to 9 and 11 to 17.

Shri C.T. Chandratre – Advocate for Applicants in O.A. No. 809/15.

Shri S.K. Nair, Special Counsel with Ms. N.G. Gohad, Presenting Officer for the Respondents.

CORAM : **A.P. KURHEKAR, MEMBER-J**

DATE : **27.08.2019**

JUDGMENT

1. In all these Original Applications, the Applicants are seeking relief of regularization in service on the post of Instructor invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985. Since, the issue involved is common, all these Original Applications are being decided by this common Judgment.

2. At the very outset, it needs to be stated that all these O.As were earlier disposed of by this Tribunal by common Judgment on 27.04.2016 in the following terms.

“11. All the Applicants in all OAs. and similarly selected persons will be considered for appointment on the regular vacancies, on the basis of their place in the merit list. To the extent the Applicants and others could be accommodated they will be accommodated. The remaining Applicants will be governed by GR dated 15.10.2015. Those who have been given interim relief will be allowed to continue to work till the decision on absorbing persons in the above terms is taken. This process should be completed within a period of 3 months from the date of this order. There will be no order as to costs.”

3. However, being aggrieved by the Judgment, the Respondents (State of Maharashtra) had filed **Writ Petition No.11443/2016 (State of Maharashtra Vs. Vinod R. Badekar)**. The Hon’ble High Court disposed of the Writ Petition No.11443/2016 with connected Writ Petitions by order dated 23.04.2018 and remitted the matter back to the Tribunal afresh. Para Nos.3 & 4 of the Judgment is as follows :-

“3. After the matters were argued for some time, at the request of the learned counsel for the parties, we set aside the impugned Judgments and orders and remit the respective Original Applications to the MAT for fresh adjudication in accordance with law and on their own merits.

4. At the request of the learned counsel for the parties, we clarify that all contentions of all parties are left open for adjudication by the MAT.”

4. It is on this background, the matters were heard afresh and now being decided by this common Judgment.

5. The claim of the Applicants for regularization on the post of Instructor is arising on the following uncontroverted facts.

- (i) Respondent No.1 took policy decision to start 2nd and 3rd shifts in Government I.T.Is in Municipal areas and to start 2nd shift in Government ITIs to meet the demand of skilled workers to industries in the State and in order to meet the need of the required teaching staff for the same, it decided to appoint required teaching staff on contract basis as per norms of NCVT. The High Powered Committee accordingly accorded sanction to create 1500 permanent teaching posts on contract basis and also accorded financial sanction for the expenses.
- (ii) Accordingly, the Government issued G.R. on 23.08.2010 for creation of 1500 teaching staff on contract basis and those were to be paid consolidated amount of Rs.15,000/- p.m.
- (iii) In terms of G.R. dated 23.08.2010, the contractual appointment was to be for a period of two years initially subject to further extension depending upon the performance of the appointee with specific stipulation that such appointee would not be eligible for any other service benefits and they would not claim permanency/regularization in service.
- (iv) Respondent No.3 accordingly issued advertisement on 01.10.2010 inviting the applications for appointment purely on contract basis on consolidated payment of Rs.15,000/- p.m.
- (v) Accordingly, the Applicants participated in the process. Written tests, practical test and interviews of eligible candidates were taken. As such, after following due selection process, the Applicants were appointed on the post of Instructors of different trades in various Government ITIs for the period of two years in 2010.

- (vi) The appointment order specifically stipulates the following conditions.

“महापलिका क्षेत्रातील शासकीय औ.प्र.संस्थांमध्ये दुसरी व तिसरी पाळी तसेच उर्वरित ठिकाणच्या शासकीय औ.प्र.संस्थांमध्ये दुसरी पाळी सुरु करण्यासाठी मंजूर झालेली पदे भरण्याकरिता संचालनालयाच्या स्तरावरून दि.०१/१०/२०१० रोजी दै. लोकमत मध्ये जाहिरात प्रसिद्ध करण्यात आली होती. सदर परभरती दरम्यान झालेल्या लेखी परीक्षा, प्रात्यक्षिक परीक्षा व मुलाखतीच्या अनुषंगाने निवड समितीने आपली रु.१५०००/- मासिक ठोक वेतनावर शिल्प निदेशक (यांत्रिक प्रशिक्षण व वातानुकुलीकरण) पदाकरिता, सामाजिक आरक्षण - खुला समांतर आरक्षण - सर्वसाधारण अंतर्गत निवड केलेली असून आपली पदस्थापना औद्योगिक प्रशिक्षण संस्था, औंध, पुणे-७ येथे खालील अटी व शर्तीच्या अधिन राहून करण्यात येत आहे.

अटी व शर्ती :-

- १) आपली नियुक्ती ही शिल्प निदेशक (यांत्रिक प्रशिक्षण व वातानुकुलीकरण) या पदावर रु. १५०००/- ठोक मासिक वेतनावर कंत्राटी पद्धतीने करण्यात आलेली आहे.
 - २) आपली नियुक्ती, नियुक्ती आदेशाच्या दिनांकापासून फक्त २ वर्ष कालावधीकरिता असून तदनंतर आपली नियुक्ती आपोआप संपुष्टात येईल. तदनंतर कोणत्याही परिस्थितीत मुदतवाढ / पुर्नपदस्थापना दिली जाणार नाही.
 - ३) नवीन कंत्राटी नेमणूकीसाठी इच्छा असल्यास नवीन अर्ज द्यावा लागेल व पदभरतीची विविध प्रक्रियेतून निवड झाल्यासच नवीन कंत्राटी नेमणूक पुढील दोन वर्षाकरिता देण्यात येईल.
 - ४) आपली निवड रु.१५०००/- ठोक मासिक वेतनावर कंत्राटी पद्धतीने करण्यात आलेली असल्याने नियमित वेतनश्रेणीतील पदावरील कर्मचा-यास देय असलेले कोणतेही लाभ अथवा सवलती आपणांस अनुज्ञेय ठरणार नाहीत.”
- (vii) Applicants accordingly executed bond agreeing to the stipulations mentioned in the appointment order and joined the service.
- (viii) Applicants accordingly rendered service for a period of two years and on completion of tenure, they were relieved.
- (ix) Thereafter, again in 2013, they were given fresh appointment on contract basis, subject to same terms and conditions for next two years and that time also, the Applicants executed fresh bond accepting the service conditions.
- (x) Applicants came across an Advertisement dated 13.09.2014 published by Directorate of Vocational Education and Training to invite the applications to fill-in 171 posts of Instructors in pay band of Rs.9300-34800 + GP 4300. Accordingly, some of the Applicants submitted the applications, but thereafter, nothing was communicated to them.
- (xi) After expiration of two years' period of 2nd appointment, the Applicants were relieved from the service but again they were

reappointed, subject to same terms and conditions for another two years, purely on contract basis on consolidated salary of Rs.15,000/- p.m.

6. On the above admitted factual background, the Applicants contend that they were appointed on permanent vacant substantive posts, and therefore, they are entitled to be regularized on the post of Instructor, as the scheme under which they were appointed is permanent one but by appointing them on contract basis on consolidated salary, the Government is exploiting their services. In this behalf, the Applicants heavily banking upon the Judgment of Hon'ble High Court (Bench at Nagpur) delivered in ***Writ Petition No.2046/2010 (Sachin A. Dawale and Ors. Vs. State of Maharashtra) decided on 19.10.2013*** wherein directions were given to regularize the Petitioners therein on the post of Lecturers who have completed three years on the post of Lecturers in Government polytechnic colleges. The Applicants contend that the said Judgment had attained the finality in view of dismissal of SLP by Hon'ble Supreme Court, and thereafter, the Government had implemented the directions issued by Hon'ble Bombay High Court by issuing G.R. on 13.03.2015. The Applicants, therefore, contend that they being similarly situated persons, they are also entitled for regularization on the post of Instructor, but they are subjected to discrimination which is violative of Article 14 of the Constitution of India. The Applicants further contend that indeed the Government of Maharashtra had constituted a Committee to consider the issue of absorption of these 326 Craft Instructors presently working on contract basis in terms of G.R. dated 08.05.2018 and the issue is under consideration of the Government but so far no decision is taken in that behalf.

7. On the above background, heard S/Shri A.V. Bandiwadekar, D.B. Khaire, K.R. Jagdale, Ms. Ranjana Todankar and C.T. Chandratre, learned Advocates

appearing on behalf of the Applicants. Heard Shri S.K. Nair, learned Special Counsel appointed by the Respondents.

8. The main thrust of the entire submissions advanced by the learned Advocates for the Applicants is that despite the continuation of the Scheme availability as well as requirement of the posts, the applicants were appointed on contract basis on consolidated pay of Rs.15,000/- p.m. only to deprive of the benefits of regularization and this amounts to discrimination, which is violative of Article 14 of the Constitution of India. Besides, the learned Advocates for the Applicants heavily banking upon the decision in **Sachin Dawale's** matter contending that the Applicants being similarly situated persons are entitled to the benefit of the said decision, but they are again subjected to discrimination. The learned Advocates for the Applicants submit that the Applicants were appointed with due process of selection and having fulfilled the eligibility criteria, they were appointed on the post of Instructor, and therefore, this is not the backdoor entry in service nor the same can be termed 'irregular appointments'. The submission was, therefore, canvassed that the appointment of the Applicants being following process of recruitment, they are entitled for regularization alike the Petitioners in **Sachin Dawale's** matter.

9. Whereas, the Respondents resisted the application by raising common pleas and defences in all these O.As. The factual aspect as adverted to above in Para No.5 is not in dispute. It is also not in dispute that presently also, the Applicants are in service on contract basis on consolidated salary of Rs.15,000/- p.m.

10. Shri S.K. Nair, learned Special Counsel for the Respondents strongly opposed the entitlement of the Applicants. He has pointed out that the Applicants were appointed purely on contract basis on the posts of Instructor, which are also in fact created on contract basis and the Applicants have

accepted the service abiding the terms and conditional that they will not be entitled to the regularization and the appointment is purely on contract basis. This being so, the Applicants cannot be allowed to contend in contrast of the written terms and conditions of the appointment. He has further urged that there is no creation of posts and regular pay band of 9300-34800 with GP 4300, so as to seek the relief of regularization of service and has further pointed out that the approval of Government of Government in terms of G.R. dated 23.08.2010 was for appointment on purely contract basis and the financial approval is also restricted to the payment of consolidated salary of Rs.15,000/- p.m. He, therefore, urged that there being no such creation of posts in regular pay scale, the Applicants have no right of regularization, particularly in view of the admitted that they have accepted contractual appointment. As regard the Judgment in **Sachin Dawale's** case, he submits that it is clearly distinguishable as in that case, the posts were already created but the regular appointments were withheld by the Government and it is in that context, the services of the Lecturer were regularized by the Government in terms of Judgment of Hon'ble High Court.

11. In view of submission advanced at the Bar, the issue posed for consideration is whether the Government had created substantial vacant posts of Instructors in the regular pay scale but appointed the Applicants on contract basis on consolidated salary of Rs.15,000/- p.m. with an intention to deny they the benefits of regularization in service.

12. The G.R. dated 23.08.2010 (Page No.56 of Paper Book) is the starting point of entire process, and therefore, one need to look into G.R. carefully as to what it exactly means. It is manifest from G.R. dated 23.08.2010 that the Government has taken a policy decision to start second and third shift in the Government ITIs functioning in Municipal Corporation areas and also to start second shift in other Government Industrial Training Institutes to meet the

demand of skilled workers to industries for appointing 1500 teaching staff on permanent contractual basis and the candidates would be paid consolidated salary of Rs.15,000/- p.m. on contract basis. The initial appointment was to be for two years, subject to extension having regard to the performance of the candidate. It further stipulates that the candidate would not be entitled to claim regularization in service or for any other service benefits of permanency. It is further made clear that they would not be entitled to any other service benefits which are available to regular Government servants. True, in pursuance of the decision, an Advertisement was issued and after taking written test as well as oral interview, the Applicants were appointed. Admittedly, at the time of joining the Applicants have executed a bond on Stamp Paper of Rs.20/- thereby accepting all the terms and conditions that it is on purely contractual basis as stated above.

13. It is thus explicit that the intention of the Government was to have instructors purely on permanent contract basis for starting additional shifts in Government ITIs throughout Maharashtra. It is further important to note that the financial sanction was also accorded on the basis of expenditure of Rs.15,000/- p.m. per candidate. Suffice to say, the financial allocation was made at the rate of Rs.15,000/- p.m. and not in the form of regular pay scale of Rs.9300-34800 + GP 4300.

14. The learned Advocate for the Applicants sought to contend that by G.R. dated 23.08.2010, the Government in fact created 1500 vacant and substantial posts. In this behalf, the learned Advocate for the Applicants sought to place reliance on the Annexures of G.R. dated 23.08.2010. Particularly, Annexure 'B' (प्रपत्र) under the Heading "महानगरपालिका क्षेत्रातील औद्योगिक प्रशिक्षण संस्थांमध्ये दुसरी व तिसरी पाळी सुरु करण्यासाठी निर्माण कराव्याची शिक्षकीय पदे". This is in reference to the contents of G.R. which are as follows :-

“सुरु करण्यांत येणा-या तुकड्यांसाठी आवश्यक असलेल्या शिक्षकीय पदांचा तपशिल प्रपत्र ब मध्ये दर्शविण्यांत आला असून सदरील पदे ही कायम स्वरुपी कंत्राटी तत्वावर दरमहा रु.१५०००/- या ठोक मासिक वेतनावर भरण्यांत यावीत.”

15. As such, a reference of post in Annexure 'B' pertains to fill-in the post purely on permanent contract basis on consolidated salary of Rs.15,000/- p.m. At any rate, this cannot be construed to mean that the Government had created 1500 substantial and vacant posts by G.R. dated 23.08.2010. Indeed, if one read G.R. as a whole, it leaves absolutely no doubt that the intention was to create 1500 posts purely on permanent contract basis on consolidated salary of Rs.15,000/- p.m. This being the position, the submission advanced by the learned Advocate for the Applicants that the Government created and sanctioned 1500 additional posts of Instructors but kept it vacant and appointed the Applicants on contract basis to deprive of them the benefit of regular pay scale and permanency in the post, holds no water.

16. Shri Bandiwadekar, learned Advocate for the Applicants sought to take benefit of one inadvertent mistake crept-up in written statement filed by the Respondents stating that there is admission on the part of Respondents that they have created permanent posts. The learned Advocate for the Applicant stated in Para No.6.18(A) and 6.18(B) in O.A.No.633/2015, the Applicants have specifically pleaded that the Government had created 1500 permanent and substantive posts vide G.R. dated 23.08.2010 and in reply in Para No.12, the Government admits the said pleadings. I do not find that there is any such admission. True, in reply, what is stated while replying Para No.6.18 (A to F) is as follows :-

“With reference to Para No.6.18 (A to F), I admit the contents stated therein.”

Harping upon this solitary sentence in reply, the learned Advocate tried to make its capital stating that there is admission on the part of Government that the

Government has created 1500 substantive posts in regular pay scale. In so far as this aspect is concerned, one needs to see the entire reply, as there is specific pleading that these 1500 posts were created on permanent contract basis.

17. Shri S.K. Nair, learned Special Counsel for the Respondents explained that due to sheer inadvertence, that statement is there in the reply and he pointed out that, in further pleadings in the reply itself, the Respondents have come up with a specific contention that the appointments are made purely on permanent contract basis and no such substantive posts were ever created. His explanation deserves to be accepted in view of contents of G.R. dated 23.08.2010.

18. It is thus explicit that there was no such creation of vacant substantive posts in pay scale of Rs.9300-34800 + GP 4300, but the posts of Instructors were created purely on permanent contract basis for additional requirement to start 2nd and 3rd shifts in Government ITIs in Maharashtra. Suffice to say, the submission advanced by the learned Advocate for the Applicants that the Government created vacant and substantive posts by G.R. dated 23.08.2010 is totally misconceived and holds no water.

19. In second fold of submission, the learned Advocate for the Applicants are heavily banking upon the decision of Hon'ble High Court in **Sachin Dawale's** matter wherein directions were issued to regularize the services of Lecturers appointed on contract basis in Polytechnic Institutes. I have gone through the Judgment with the assistance of learned Counsels appearing for the parties and find that it is clearly distinguishable and in my considered opinion is of no assistance to the Applicants in the present situation.

20. In **Sachin Dawale's** matter, despite the creation of permanent posts and its availability, the Petitioners therein were appointed on contract basis for the

period ranging from 3 years to 10 years, but they have not given permanency and other related service benefits. It is in that context, they had filed Writ Petition wherein it was found that the posts were kept vacant because of ban imposed upon the recruitment by Finance Department since 1998. It is because of the said embargo, the appointments were not made in Polytechnic Institutes. It was also transpired that all these posts were regular and full time posts, but because of ban imposed by the Finance Department, the posts were not filled-in in regular basis. As such, it was a case of appointments on sanctioned, regular and full time posts. It is in that context and in fact situation, the Hon'ble High Court allowed Writ Petition and directed to regularize the services of Petitioners who have completed three years' service with technical breaks.

21. Apart, material to note that, as rightly pointed by Shri Nair, learned Special Counsel that after the Judgment in **Sachin Dawale's** case, the Government had filed Civil Application No.828/2017 in Writ Petition for clarification and upon hearing the parties, the Hon'ble High Court made clarification by order dated 27.04.2017 wherein in last Paragraph, it is stated as follows :-

"We may also observe that, citing the said Judgment, some of the employees who are appointed on temporary or contractual basis and who are removed after putting in a year's or two years service are also seeking regularization. We may clarify that the said Judgment would not lay the ratio that, the persons who are appointed on purely contractual or temporary basis without following the due selection process as laid down by the Apex Court in the case of Umadevi, would also be entitled to regularization of their services."

Suffice to say, the Judgment in **Sachin Dawale's** matter is of no assistance to the Applicant in the present situation.

22. The learned Advocate for the Applicants further sought to place reliance on the decision of Hon'ble Bombay High Court in **Writ Petition No.10060 (State**

of Maharashtra & Anr. Vs. Amol Kakade). In that case, the Petitioner was appointed in 2009 on contract basis, but on sanctioned and vacant post. He was continued in service for 8 years. He was selected through Selection Committee. However, later, the Respondents issued Advertisement to fill-in the post by regular recruitment and terminated the Petitioner therein. On this background, the Petitioner had filed Writ Petition before Hon'ble High Court, Bench at Aurangabad challenging the termination order dated 22.06.2016 and also sought relief of regularization in service. Therefore, in fact situation, having found that the Applicant was appointed on clear sanctioned vacant post by Selection Committee, the termination held illegal and the order passed by Tribunal was confirmed. As such, in the said matter, the appointment was on clear vacant sanctioned post. However, in the present case, it is not so, and therefore, this Judgment is also distinguishable and is of no avail to the Applicants.

23. The issue of regularization of ad-hoc/daily wages/ contract employees has been subject matter of various decisions of Hon'ble Supreme Court and it continues to crop-up every now and then. In this behalf, it would be apposite to refer the Judgment of Hon'ble Apex Court in **(2006) 4 SCC 1 (State of Karnataka Vs. Umadevi (3))**. In this decision, the Constitution Bench held that the appointments made without following due process or rules relating to appointment did not confer any right on the appointees and the Courts cannot direct their absorption/regularization. However, one exception was carved out against the regularization, if following conditions are fulfilled.

- “(a) The employee concerned must have worked for 10 years or more in duly sanctioned post without benefit or direction of the interim order of any Court or Tribunal.
- (b) The appointment of such employee should not be illegal even if irregular.

(c) Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed qualification, the appointments will be considered to be illegal.

(d) Where the persons employed possess the prescribed qualification and are working against sanctioned posts but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.

As such, the directions were given to take steps to regularize the services of those irregularly appointed employees who had served for more than 10 years without the benefit of protection of any order of Court as one time measure and it was to be completed within six months from the date of decision. It is thus obvious that the decision in ***Umadevi (3)*** was delivered to ensure that the Government does not perpetuate the practice of employing the persons on daily wages for long period.

24. The decision in ***Umadevi (3)*** was again reiterated by Hon'ble Supreme Court in ***(2010) 9 SCC 247 (State of Karnataka and Ors. Vs. M.L. Kesari and Ors.)*** and it has been held that only irregular appointees are entitled to regularization in terms of Judgment in ***Umadevi (3)***.

25. The same issue was also considered by the Hon'ble Supreme Court in ***(2009) 2 SCC 227 (Mohd. Abdul Kadir & Anr. Vs. Director General of Police, Assam & Ors.)*** wherein the Hon'ble Supreme Court held as follows :-

"If the temporary or ad-hoc engagement or appointment is in connection with a particular project or a specific scheme, the ad hoc or temporary service of the persons employed under the Project or Scheme would come to an end, on completion/closure/cessation of the Project or the Scheme. The fact that the Scheme had been in operation for some decades or that the employee concerned has continued on ad hoc basis for one or two decades would not entitle the employee to seek permanency or regularization. Even if any posts are

sanctioned with reference to the Scheme, such sanction is of ad hoc or temporary posts co-terminus with the scheme and not of permanent posts. On completion of the project or discontinuance of the scheme, those who were engaged with reference to or in connection with such Project or Scheme cannot claim any right to continue in service, nor seek regularization in some other project or service."

26. The learned Advocates for the Applicants sought to place reliance on the decision of Hon'ble Supreme Court in **Civil Appeal No.1059/2005 (Nihal Singh & Ors. Vs. State of Punjab & Ors.) decided on 7th August, 2013**. In that case, ex-servicemen were appointed as Special Police Officers (SPOs) by State of Punjab under Section 17 of Police Act, 1861 which inter-alia provides for such appointments to handle law and order situation where the existing strength of Police Personnel is inadequate. In the appointment orders, it was specifically stated that the appointees will be entitled to all the privileges under Police Act, 1861. The appointment was made by the State Government. Therefore, in fact situation, the Hon'ble Supreme Court held that the initial appointments of those employees cannot be categorized as irregular appointments, as the appointments were made in accordance with the statutory procedure contemplated under Police Act, 1861. The contention raised by the Government about absence of sanctioned posts was turned down and directions were given by the Hon'ble Apex Court to regularize the services of those SPOs by creating necessary posts. Whereas, in the present case, the Applicants were appointed purely on contract basis on consolidated salary of Rs.15,000/- p.m. to start additional shifts in ITIs. The Government has taken a policy decision to appoint Instructors purely on contract basis for additional work and the Applicants accepted the terms and conditions of the appointment which *inter-alia* provides that they will have no right of regularization in service and it would come to an end on completion of two years subject to fresh appointment which would be again purely on contract basis for a specified period. Therefore, in my considered opinion, the decision in **Nihal Singh's** case is of little assistance to the Applicants in the present situation.

27. The learned Advocates for the Applicants also referred to one more decision of Hon'ble Supreme Court in ***Civil Appeal No.18510 of 2017 (Sheo Narain Nagar & Ors. V/s. State of Uttar Pradesh & Ors.) decided on 13th November, 2017.*** In that case, the Petitioners were initially engaged on daily wages basis in 1993 and later then were appointed on contract basis in 1996. In the year 2000, the orders were issued appointing them as regular employees on minimum pay scale. However, their services were terminated in 2014. It is in that context, the Hon'ble Supreme Court directed to regularize their services as a one-time measure in terms of Judgment in ***Umadevi's*** case since they have completed 10 years' service. Whereas, in the present case, the Applicants were, as stated above, appointed on purely contract basis for specified terms and they have not completed 10 years' tenure. This being so, in my considered opinion, the said decision will not advance the Applicants' case a little bit.

28. The ratio of any Judgment/decision must be understood in the background of the facts of that case. It has said long time ago that a case is only an authority for what it actually decides and not what logically follows from it. It is well settled that little difference in facts or single additional fact may make a lot of difference in the precedential value of a decision. One should avoid the temptation to decide cases by matching the colour of one case against the colour of another.

29. The following words of Lord Denning in the matter of applying precedents have become *locus classicus* :-

“Each case depends on its own facts and close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect. In deciding such cases, one should avoid the temptation to decide cases [as said by Cardozo] by matching the colour of one case against the colour of another. To decide, therefore, on which side of the line, a case falls, the brood resemblance to another case is not at all decisive.”

Suffice to say, the decision in **Sachin Dawale's** case and other decisions relied by the learned Advocates for the Applicants referred to above, are quite distinguishable arising from different facts, and therefore, those are of no assistance to the Applicants in the present case and has precedent.

30. Per contra, Shri S.K. Nair, learned Special Counsel referred to the decision of Hon'ble Supreme Court in **(2016) 8 SCC 293 (State of Maharashtra and Ors. Vs. Anita & Anr.)**, which is fully applicable to the present situation. In this case, the State of Maharashtra had appointed 471 Legal Advisors, Law Officers, Law Instructors on contract basis pursuant to G.Rs. dated 21.08.2006 and 15.09.2006. As per these G.Rs, the Government had taken policy decision to fill-up posts purely on contractual basis. The candidates accepted the contractual appointments agreeing that the appointments are on purely contractual basis creating no right, interest of benefit of permanent service. It is in that context, when the issue of regularization arises, the Hon'ble Supreme Court held that, by Resolutions dated 21.08.2016, the Government had created 471 posts purely on contractual basis, and therefore, they are not entitled to permanent service. In **Anita's** case (cited supra), the Hon'ble Supreme Court in Para Nos.13 and 16 held as follows :-

“13. *The intention of the State Government to fill up the posts of Legal Advisors, Law Officers and Law Instructors on contractual basis is manifest from the above clauses in Government Resolutions dated 21.08.2006 and 15.09.2006. While creating 471 posts vide Resolution dated 21.08.2006, the Government made it clear that the posts should be filled up on contractual basis as per terms and conditions prescribed by the Government. As per clause 'B' of the Government Resolution dated 15.09.2006, the initial contractual period of appointment is eleven months and there is a provision for extension of contract for further eleven 7months. Clause 'B' makes it clear that the appointment could be made maximum three times and extension of contract beyond the third term is not allowed. If the competent authority is of the opinion that the reappointment of such candidates is necessary then such candidates would again have to face the selection process.*

16. *The High Court did not keep in view the various clauses in the Government Resolutions dated 21.08.2006 and 15.09.2006 and also the terms of the*

agreement entered into by the respondents with the government. Creation of posts was only for administrative purposes for sanction of the amount towards expenditure incurred but merely because the posts were created, they cannot be held to be permanent in nature. When the government has taken a policy decision to fill up 471 posts of Legal Advisors, Law Officers and Law Instructors on contractual basis, the Tribunal and the High Court ought not to have interfered with the policy decision to hold that the appointments are permanent in nature.”

The facts of the present O.As are exactly identical with the facts in **Anita's** matter. In the present case also, it is manifest from G.R. dated 23.08.2010 that the Government had taken policy decision to appoint Instructors purely on permanent contractual basis on consolidated salary of Rs.15,000/- p.m. for starting additional 2nd and 3rd shifts in Government ITIs. As such, in view of the ratio of Hon'ble Supreme Court in Anita's case, the Applicants are not entitled to regularization.

31. Now turning to the facts of present case, it is true that the Applicants were appointed in pursuance of Advertisement and examinations conducted by Selection Committee. But that *ipso-facto* does not entitle them for regularization in view of specific terms of appointment that it is purely on contract basis for specified period. By G.R. dated 23.08.2010, the Government had given sanction for appointment of 1500 Instructors purely on permanent contract basis on consolidated salary of Rs.15,000/- p.m. and the financial sanction was accordingly accorded. There was no creation of regular and substantive posts in regular pay scale as evident from G.R. dated 23.08.2010. This being the position, the situation is squarely covered by the latest decision of Hon'ble Supreme Court in **Anita's** case (cited supra) and it holds the field. Needless to mention that, it is always prerogative of the Government to formulate particular policy as it falls in the domain of executive. It's efficacy cannot be questioned if it does not violate statutory provisions or Constitution. The Tribunal cannot sit in the Judgment of such policy.

32. True, after appointments of Applicants on contract basis, there was proposal to consider their absorption in service and for that purpose, vide G.R. dated 08.05.2018, the Government has constituted a Cabinet Sub Committee to consider the issue of absorption of 326 Craft Instructors who are presently working on contract basis throughout Maharashtra. However, till date, no decision is taken and the matter seem to be still in process at Government level. For this purpose, initially, some time was granted to the Government to expedite the process but no decision is taken. The Applicants sought information under Right to Information Act in this behalf and they were informed that the proposal is under consideration and it would not be possible to say within how much time, it will be materialized or finalized. Therefore, having found that there is no such decision till date, the matter was expedited and arguments were heard on merit. Needless to mention that the Government is at liberty to decide the issue at it's level as deem fit and the dismissal of these O.As will not come in the way of Applicants and the Government will have to decide the same independently.

33. The totality of aforesaid discussion leads me to sum up that the Applicants are not entitled to the relief of regularization as sought and O.As are devoid of merit. Hence, the following order.

ORDER

All these Original Applications are dismissed. No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai
Date : 27.08.2019
Dictation taken by :
S.K. Wamanse.