

**Satkar Ujwala Laxman And Ors vs The State Of Maharashtra, Municipal ... on
1 October, 2026**

Author: [M. S. Karnik](#)

Bench: [M. S. Karnik](#)

CNR No : HCBM010210422012

2026:BHC-AS:40465-DB

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2566 OF 2005

1. Mrs. Satkar Ujwala Laxman, age 32 yrs
(Electronics Mechanic Instructor)
C/o. Desai R.S., R.H. 93,
Gandharva Park,
B-1/12, Shahu Nagar,
Chinchwad,
Pune 411 019.
2. Mr. Kalokhe Vikramsinh Vasant, age 28 yrs
(Draughtsman Mechanical Instructor),
At Kalokhe Mala, Post Dehu,
Taluka Haveli, Dist. Pune,
Pin. 412 109.
3. Mr. Tathe Shahaji Pandurang, age 31 yrs
(Sheet Metal Worker Instructor),
Dhawade Vasti, Shiv Ganesh Nagar,
Kondiba Landge Marg, Bhosari,
Pune 411 039.
4. Mr. Bandgar Laxman Dnyandeo, age 35 yrs
(Mechanic Motor Vehicle, Instructor),
Flat No.B-11, Monika Teacher Hsg. Soc.,
Pimprigaon,
Pune 411 017.
5. Mr. Landge Nilesch Khushalchand,
(Turner Instructor),
Survey No.679, Landewadi,
Bhosari,
Pune 411 039.
6. Mr. Dudhal Bhanudas Dharmaji, age 36 yrs
(Painter General Instructor),
W Sector, W/B, 4/11, Room No.203,

Ajmera Complex, Morwadi,
Pimpri,
Pune 411 018.

7. Mr. Borse Vrundavani Bansilal, age 28 yrs
(Electronics Mechanic/
Social Studies Instructor),
Atmanagar Hsg. Society,
'H' Building, Flat No.402,
Pimpri,
Pune 411 018.
8. Mr. Khadbade Rajesh Narshingrao, age 32 yrs
(Wireman Instructor),
B-1, Omkar Swarup, Omkar Colony,
Vijay Nagar, Kalewadi,
Pune 411 017.
9. Mrs. Jadhav Seema Yashawant, age 35 yrs
(Engineering Drawing Instructor),
B-55, H. A. Colony, Pimpri,
Pune 411 017.
10. Mr. Shinde Prakash Shivaji, age 41 yrs
(Workshop Calculation &
Science Instructor),
R.H. B-2/13, Near Datta Mandir,
Ruston Colony, Chinchwad,
Pune 411 033.
11. Mr. Gawde Kisan Dattatraya, age 38 yrs
(Plumber Instructor),
Gawde-Bhoir Ali, Morya Niwas,
Chinchwadgaon,
Pune 411 033.
12. Rayate Vinayak Pandit, age 37 yrs.
(Computer Operator and Programming

2

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Assistant Instructor),
Prerana Hsg. Society,
Flat No.06, M.I.D.C.,
'G' Block, Sambhaji Nagar,
Chinchwad,
Pune 411 019.

... Petitioners

Versus

1. The State of Maharashtra
Municipal Development Division
Mantralaya,
Mumbai 400 032.
2. Municipal Commissioner,

Pimpri Chinchwad Municipal Corporation,
Pimpri,
Pune 411 018.

3. The Principal,
Industrial Training Centre,
Morwadi, Pimpri,
Pune 411 018.

.... Respondents

WITH
CIVIL APPLICATION NO.1641 OF 2012
IN
WRIT PETITION NO.2566 OF 2005

1. Mrs. Ujwala Laxman Satkar
C/o. R. S. Desai,
R. H. 93, Gandharva Park,
B - 1/12, Shahu Nagar,
CHINCHWAD,
PUNE : 411 019.
2. Mr. Vikramsinh Vasant Kalokhe
At : Kalokhe Mala,
Post : Dehu
TAL. : HAVELI

3

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DIST. : PUNE
PIN CODE NO. : 412 109.

3. Mr. Shahaji Pandurang Tathe
Dhawade Vasti,
Shiv Ganesh Nagar,
Kondiba Landge Marg, BHOSARI,
PUNE : 411 039.
4. Mr. Nilesh Khushalchand Landge
Survey No. : 679, Landewadi,
BHOSARI,
PUNE : 411 039.
5. Mr. Bhanudas Dharmaji Dhudhal
W Sector, W/B, 4/11,
Room No.203, Ajmera Complex,
Morwadi,
PIMPRI,
PUNE : 411 018.
6. Mr. Vrundavani Bansilal Borse
Atmanagar Hsg. Soc.,
'H' Building, Flat No.402,
Morwadi,
PIMPRI,
PUNE : 411 018.
7. Mr. Rajesh Narsingrao Khadbade

B - 1, Omkar Swarup,
Omkar Colony, Vijay Nagar,
KALEWADI,
PUNE : 411 017.

8. Mrs. Seema Yashwant Jadhav
B - 55, H. A. Colony,
PIMPRI,
PUNE : 411 017.

4

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9. Mr. Prakash Shivaji Shinde
R.H. B - 2/13,
Near Datta Mandir, Ruston Colony,
CHINCHWAD,
PUNE : 411 033.

10. Mr. Kisan Dattatraya Gawde
Gawde - Bhoir Ali,
Moraya Niwas,
CHINCHWAD,
PUNE : 411 033.

... Applicant

Versus

1. The State of Maharashtra
Municipal Development Division,
Mantralaya,
MUMBAI : 400 032
2. The Municipal Commissioner
Pimpri - Chinchwad Municipal Corporation,
Pimpri,
PUNE : 411 018.
3. The Principal
Industrial Training Centre,
Morwadi,
Pimpri,
PUNE : 411 018.

.... Respondents

Adv. Nitin Kulkarni, for the petitioners.

Mr. Kiran Bapat, Senior Advocate a/w Adv. G. H. Keluskar, for
respondent Nos.2 and 3.

Mr. A. I. Patel, Addl.G.P. a/w Ms. R. A. Salunkhe, AGP, for
respondent No.1-State.

CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.

DATE : 1st OCTOBER 2026

5

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1. The petitioners by this writ petition filed under [Article 226](#) of the Constitution of India seek the following substantive relief :-

"(a) This Hon'ble High Court may be pleased to exercise the jurisdiction under [Articles 16, 21](#) and [226](#) of the Constitution of India and may be pleased to issue an appropriate writ, Order or a direction directing the Respondents to regularize the services of the Petitioners and make them permanent after completion of their one years' services and the Respondents may be directed to extend the benefits of permanency and the regular pay scale to the Petitioners from the date of completion of one years' service with the Respondents, they will be made permanent by the Respondent."

2. The facts of the case in brief are that the petitioners 12 in number are in the employment of respondent Nos.2 and 3-Corporation from the year 1997 onwards on the consolidated salary of Rs.2,500/- and they are getting at present the consolidated salary of Rs.52,094/-. The petitioners are working as Instructors in the Industrial Training Institute formed by respondent Nos.2 and 3. The main object of the Institute is to impart industrial training to the students throughout Maharashtra.

3. It is the petitioners' case that they were recruited by 6 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc respondent No.2 - Corporation by following the due procedure and after a resolution was passed by the Standing Committee. The petitioners possess the requisite educational qualifications. Despite the vacant posts with the respondent Nos.2 and 3, their services were not regularised, and since there is discrimination between the salary of the petitioners and the regular instructors, the petitioners filed this writ petition on 11 th April 2005. This writ petition came to be admitted on 13th July 2005. Interim relief in terms of prayer clause (c) was granted reading thus :-

"(c) pending hearing and final disposal of this Petition the Respondents may be restrained from terminating the services of the Petitioners or the Respondents may be directed to maintain the status-quo in relation of the Petitioners till the disposal of this Petition."

4. The petitioners were selected and then appointed between the period 1997 to 1999 by various appointment orders which are at pages 22 to 44 of the writ petition. The petitioners at the time of appointment were paid consolidated wages of Rs.2,500/-. It is the petitioners' contention that the petitioners' consolidated wages have now increased to Rs.52,094/- whereas the permanent Instructor was at the relevant time getting a pay 7 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc scale of Rs.6500-200-900, today is getting a salary in the pay scale of Rs.86,000/- + 30% HRA and other allowances totalling Rs.1,64,976/-. 48 posts were sanctioned at the relevant time. As of today, 33 posts are vacant out of the 67 posts which are now sanctioned.

5. Learned counsel for the petitioners submitted that at the relevant time the service conditions of the employees were never governed by any Rules and, in fact the Rules pertaining to the service conditions of the employees were framed for the first time by the Corporation and published in the Official Gazette on 18 th February 2020, which became enforceable with effect from 18th February 2020. The appointments were made in accordance with the provisions contained in the [Maharashtra Municipal Corporation Act, 1949](#). ("the said Act of 1949", for short). Learned counsel submitted that according to [Section 53](#) of the said Act of 1949, the Standing Committee by a resolution can make appointments. The Standing Committee had passed the resolutions from time to time, and the resolutions were also passed in the general body meetings of the Corporation. Learned counsel 8 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc submitted that merely because the appointment orders specify the particular period, the regularisation cannot be denied. Based on the resolution of the Corporation, since the appointment orders were issued by the Commissioner, the same have to be regarded as valid orders.

6. The respondent No.3 institute was established in 1991. The General Body of the Corporation in the year 2005 passed a resolution that the petitioners have been working since 1997, therefore they should be regularised. The respondents also made correspondence with the Government on 31st May 2005 for regularisation of their services. The respondent No.1 sanctioned the posts on 30th July 2009. Thus, it is submitted that now there are sanctioned posts on which the petitioners can be regularised. Learned counsel for the petitioners relied upon the decision of the Hon'ble Supreme Court in *Jaggo vs. Union of India and others*¹ to contend that temporary employments are nothing but exploitation. Reliance is also placed on the decision of the Hon'ble Supreme Court in [Shripal and others vs. Nagar Nigam, Ghaziabad](#) 2 and also 1 2024 SCC OnLine SC 3826 2 2025 SCC OnLine SC 221 9 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc in [Dharam Singh and others vs. State of U.P.](#) and others³.

7. Mr. Kiran Bapat, learned Senior Advocate for respondent Nos.2 and 3 invited our attention to the affidavit-in-reply filed on behalf of the Corporation. It is submitted by learned Senior Advocate that the petitioners were appointed from time to time on a temporary basis on the said posts which were not at all permanent posts and it was made clear in the appointment orders issued to them. After accepting all the terms and conditions stated in the appointment orders, the petitioners had accepted temporary appointments from time to time. As per the admitted position at the time of appointment of the petitioners, there were no sanctioned posts in the establishment of respondent No.3. It is further contended that the petitioners were not appointed after following the due process contemplated in public employment. Reliance is placed on the decision of the Hon'ble Supreme Court in [Secretary, State of Karnataka and others vs. Umadevi and others](#) 4 in support of the settled position of law that the person who is not appointed on a regular basis cannot claim permanency through a 3 2025 SCC OnLine SC 1735 4 (2006) 4 SCC 1 10 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc backdoor attempt, bypassing the claim of the regular employees appointed by observing all the rules and regulations of permanent recruitment. The petitioners have been continued in service only under the orders of the Court, initially under the orders of the Industrial Court and later as per the interim order passed by this Court. It is further submitted that granting regularisation to the

petitioners would adversely affect the seniority of the employees appointed by following due process of law. Mr. Bapat therefore was at pains to point out that since the entry of the petitioners into the service is a backdoor one, the petitioners cannot claim regularisation bypassing the claim of regular employees appointed by observing all the rules and regulations of permanent recruitment.

8. Mr. A. I. Patel, learned Additional Government Pleader on behalf of the State, made the following submissions. The appointment of the petitioners was on a purely temporary basis on posts which were not sanctioned for a limited period or till regular appointments are made, whichever is earlier. The said appointments were made without following Recruitment Rules 11 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc and policy governing employment in State. Reliance is placed on the decision of the Hon'ble Supreme Court in [A. Umarani vs. Registrar, Cooperative Societies](#) and others⁵ to contend that appointments made in contravention of the mandatory provisions of the Act and statutory rules framed thereunder and in ignorance of essential qualifications, the same would be illegal and cannot be regularised by the State. Reliance is also placed on the decision of the Hon'ble Supreme Court in [Dr. \(Mrs.\) Chanchal Goyal vs. State of Rajasthan](#)⁶ to contend that continued extension orders could not lead to a presumption of the grant of concurrence by the Public Service Commission and that unless the initial recruitment is regularised through a prescribed agency, the incumbent cannot be granted regularisation. It is submitted that in the present case the Corporation has not followed the prescribed recruitment process and therefore the said appointments are illegal and backdoor without following due process. It is contended by Mr. Patel that long continuation in service under orders of the Industrial Court and this Court does not give any right to continue in service or for 5 (2004) 7 SCC 112 6 (2003) 3 SCC 485 12 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc regularisation in service. It is submitted that in the year 2009, when the respondent Nos.2 and 3 issued an advertisement, the petitioners should have opted to participate in the regular recruitment process. The petitioners were not appointed through the regular recruitment process and when opportunity came, they did not participate in the regular recruitment process. The State Government has in such circumstances, rejected the proposal made by the respondent Nos.2 and 3 for regularisation of the services of the petitioners. It is therefore submitted that the petitioners are not entitled to any relief of regularisation in service only on the basis of their continuation in service under orders of the Industrial Court or this Court.

9. We have heard learned counsel for the respective parties at length. We have perused the pleadings and the materials on record.

10. The petitioners were appointed on a temporary basis in the year 1997. At the relevant time there were no sanctioned posts. It is not in dispute that the petitioners have been working 13 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc since the year 1997/1999 and as of this date they are in service for almost 29/27 years. An affidavit in sur re-joinder on behalf of respondent Nos.2 and 3 has been filed wherein it is stated that the petitioners were appointed in terms of the resolutions passed by the Standing Committee of the Corporation. The resolutions were passed in exigencies at the relevant time. At the time of appointment of the petitioners, the Municipal Corporation had not prepared service conditions and service rules for its employees, therefore Maharashtra Civil Services Rules, 1981 were adopted by the Corporation. The Municipal Corporation has made applicable the service rules of the State Government to its employees vide Resolution No.8 dated 4th January 1983 with appropriate modifications and till the process of preparing separate service rules for employees of the Municipal Corporation is completed. It is thus the stand of the respondent - Corporation that the appointments were on an ad-hoc basis and till the tenure enumerated therein. The appointment orders clearly indicated that the same were till the candidates were selected and appointed through regular process. It is the stand of the respondents that 14 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc neither any advertisement was published nor the petitioners competed with anyone while the appointments were made in exigencies.

11. It is thus seen that at the relevant time of appointment the service conditions of the employees were never governed by the Rules framed by the Corporation and the Rules pertaining to the service conditions of the employees were framed for the first time by the Corporation on 18th February 2020. One thing is clear that the appointments were made due to exigencies of the Corporation. The contention that the petitioners are duly qualified to be appointed is not in dispute. It is further not in dispute that the posts are sanctioned posts and the same are vacant, on which the petitioners can be regularised if they succeed.

12. In the present case, what is significant is that the appointments were made after a resolution was passed by the Standing Committee due to exigencies of service. It is not denied that the general body of the Corporation passed a resolution in the year 2005 that since the petitioners have been working since 1997, 15 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc they should be regularised. In fact, the Corporation admits that vide its representation dated 31st May 2005, it had sought permission from the government for regularising the services of the petitioners. The government by its communication dated 19th October 2005, declined such request. Therefore, one thing is clear that the Corporation which had appointed the petitioners in view of the exigencies of service wanted to regularise the services of the petitioners. In the peculiar facts of this case, we are not inclined to agree with the submissions of learned counsel for the respondents that the appointments are illegal appointments. The Standing Committee had passed a resolution to appoint the petitioners on a temporary basis on temporary posts which at the relevant time were not sanctioned. The posts were sanctioned later on. There are posts available where the petitioners can be accommodated.

13. At this stage, it would be pertinent to refer to the decision of this Court in [Vandana Narsing Chinchwade and others vs. The State of Maharashtra and others](#) in Writ Petition No.11651 of 2016 decided on 22nd January 2018. This judgment needs to be reproduced in extenso. The relevant portion reads thus :- 16 Uploaded on - - Downloaded on - 06/10/2026 21:47:13

Bhogale 6.wp-2566-2005.doc "2. Rule. Rule made returnable forthwith. With the consent of the parties, the Petition is taken up for final hearing at the admission stage.

3. The Petitioners who are functioning as an instructors in the Industrial Training Institute (ITI) operated by Respondent No.2- Pimpri Chinchwad Mahanagarpalika have approached this Court seeking directions against the Respondents regularize their services

confirming permanency on them on the date of sanction of the posts by the Government on 30.7.2009. The Petitioners are also seeking directions to the Respondents to pay the arrears of salary w.e.f. 30.7.2009 in the prescribed pay scales by making applicable to pay-scales prescribed for the posts. The Petitioners hold requisite qualification prescribed for the post of the Instructors. Respondent No.2 in pursuance of the advertisement published in daily "Lokmat", "Samna" and "Pudhari" called the applications for making the appointments as an Instructors in Respondent No.3-Institute. In pursuance of the advertisement the Petitioners tendered their applications and participated in the process of selection. The selection committee was comprising of Principal, Chief Auditor, Assistant Commissioner, Education Officer and Additional Commissioner. The Petitioners were called upon to appear before the Selection Committee for the purpose of interview. After holding interviews, the Petitioners were found to be eligible and have been issued the letters of appointment in the month of June 2006. The Petitioners claim that they are functioning as an Instructors in Respondent No.3-Institute since 29.6.2006 continuously without any actual break and without any intervention of Court. According to the Petitioners, Section 53(3) of the Mumbai Provincial Municipal Corporation Act, 1949 (for short, "the Act") empowers the Commissioner to make temporary appointment for six months with the previous sanction of the standing committee. It is further contended that in view of the powers conferred upon Respondent No.2, the Standing Committee passed a resolution empowering the Commissioner to appoint the Petitioners. Considering the resolution of the Standing Committee empowering the Commissioner to make the appointment, the Petitioners have been appointed to the post of Instructors. The Petitioners also contend that Respondent No.2 while making appointments has followed the procedure prescribed in Rule 2, [Chapter III of the Act](#). The Petitioners thus contend that their induction in the 17 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc employment is in view of the due procedure prescribed in that behalf. It is the contention of the Petitioners that the State Government has also accorded the sanction to the posts in pursuance to the proposal tendered by the Municipal Corporation w.e.f. 30th July, 2009. The Petitioners are functioning since the date of their appointment i.e. since June 2006 till this date without any interruption in service. It is the contention of the Petitioners that the posts held by them are permanent in character, the work assigned to them is not temporary and is of a permanent nature and there is no denial to this aspect on behalf of the Respondents. Respondent No.2 is operating Industrial Training Institute since 2006 continuously. The nature of the employment of the Petitioners have to be considered to be of a permanent character. It also cannot be controverted that their appointments have been made without observing the procedure prescribed in that behalf. The request made by the Petitioners is objected by the Respondents on the second ground that the Petitioners have not been appointed as a permanent employee and that the order of appointment is itself mentioned that their appointments shall be on contract basis and for a particular period and the remuneration received by them is a fixed sum. Learned advocate appearing for the Petitioners contend that the Municipal Corporation in spite of sanction of the posts accorded by the State Government in 2009 has failed to regularize the services of the Petitioners. It is not the matter of denial that the posts sanctioned by the State Government which are of a permanent character have not been filled in by the Municipal Corporation and these posts are occupied by the Petitioners. The Petitioners are thus occupying permanent posts duly sanctioned by the State Government though their initial appointment is for a temporary duration. It also cannot be controverted that the Petitioners have been granted continuation for a period more than 12 years since the date of initial appointment. It also shall be noted that the General Body of the Pimpri Chinchwad Municipal Corporation in its meeting dated 20.10.2010 has resolved to regularize the services of the Petitioners since they have been appointed in observance of the procedure prescribed in that behalf and the posts held by them are of a permanent nature. The Municipal Corporation, however, has not complied with the resolution and has not implemented the resolution passed in General Body meeting and kept the Petitioners temporary. The Petitioners are being paid a fixed sum and not the monthly salary in the 18 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc prescribed pay scales under the relevant regulation prescribed by the State Government. It is the responsibility of Respondent No.2 to pay the wages to the employees in the prescribed pay scales in observation of the regulations prescribed by the State Government in that behalf. The Municipal Corporation has committed an illegality in refusing to pay the monthly remuneration to the Petitioners in the prescribed pay scales and refusing to grant permanency to them in spite of resolution passed by the General Body of the Municipal Corporation and in spite of sanction of the posts by the State Government way back in 2009.

4. It cannot be contended that since the initial and appointment of the Petitioners itself is for a prescribed duration, the Petitioners are not entitled to claim permanency. Learned advocate appearing for the Respondents has placed reliance on the judgment in the matter of [State of Karnataka Vs Uma Devi & Ors.](#), reported in (2006) 4 SCC page 1 and contended that it would be illegal to regularize the services of the Petitioners whose appointment shall be construed as a back door entry. The contention raised by the Respondents is devoid of substance for the reason that in view of the Judgment of the Supreme Court in the matter of S. V. Narayanappa, R. N. Nanjundappa and B. N. Nagarjan reported in AIR 1967 (1) SCR 128, 1972 (1) SCC 409 and 1979 (4) SCC 507, the appointment of the employees can be termed as an irregularity and not illegality.

5. In view of the Judgments [referred to above](#) the question of regularization of services of such employees can be considered in the light of the proposition settled by the Supreme Court in the cases [referred to above](#). Thus the direction issued by the Supreme Court in the matter of [Umadevi](#) (supra) to the State Government and their instrumentalities that they should 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 orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in case where temporary employees are being now employed also shall be adhered. The process ought to have been set in motion within six months from the date of judgment in Umadevi. It shall be appropriate to reproduce the observations of the Supreme Court in the 19 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc matter of the [State of Karnataka & Ors. Vs. M.L.Kesari & Ors.](#), reported in 2010(9) SCC 247, wherein the Supreme Court has analyzed the directions issued earlier in the matter of Umadevi and have observed in paragraphs 4, 5 and 8 as quoted below:

"4. The decision in [State of Karnataka v. Umadevi](#) was rendered on 10.4.2006 (reported in 2006 (4) SCC 1). In that case, a Constitution Bench of this Court held that appointments made without following the due process or the rules relating to appointment did not confer any right on the appointees and courts cannot direct their absorption, regularization or re-engagement nor make their service permanent, and the High Court in exercise of Jurisdiction under [Article 226](#) of the Constitution should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment had been done in a regular manner, in terms of the constitutional scheme; and that the courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities, nor lend themselves to be instruments to facilitate the bypassing of the constitutional and statutory mandates. This [Court further held](#) that a temporary, contractual, casual or a daily- wage employee does not have a legal right to be made permanent unless he had been appointed in terms of the relevant rules or in adherence of [Articles 14](#) and [16](#) of the Constitution. This Court however made one exception to the above position and the same is extracted below:

"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [1967 (1) SCR 128], R.N. Nanjundappa [1972 (1) SCC 409] and B.N. Nagarajan [1979 (4) SCC 507] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment.

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Bhogale 6.wp-2566-2005.doc In that context, the Union of India, the State Governments and their instrumentalities should 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 the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date."

5. It is evident from the above that there is an exception to the general principles against 'regularization' enunciated in Umadevi, if the following conditions are fulfilled:

- (i) The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.
- (ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.

Umadevi casts a duty upon the concerned Government or instrumentality, to take steps to regularize the services of those irregularly appointed employees who had served for more than ten years without the benefit or protection of any interim orders of courts or tribunals, as a one-time measure. Umadevi, directed that such one-time measure must be set in motion within six months from the date of its decision 21 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc (rendered on 10.4.2006).

6.

7.

8. The object behind the said direction in para 53 of Umadevi is two-fold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in Umadevi was rendered, are considered for regularization in view of their long service. Second is to ensure that the departments/instrumentalities do not perpetuate the practice of employing persons on daily-wage/ad-hoc/casual for long periods and then periodically regularize them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. The true effect of the direction is that all persons who have worked for more than ten years as on 10.4.2006 (the date of decision in Umadevi) without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are entitled to be considered for regularization. The fact that the employer has not undertaken such exercise of regularization within six months of the decision in Umadevi or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right to be considered for regularization in terms of the above directions in Umadevi as a one-time measure."

6. In the instant matter, it is not a matter of dispute that the employees have worked for more than 10 years in duly sanctioned posts without benefits or protection of the Courts or Tribunal and as such, though their appointment on the posts can be termed as irregularity needs to be regularized. The appointment of the Petitioners cannot termed as an illegal since they have been appointed in observance of the procedure prescribed in that behalf by a duly constituted committee and have been continued in the employment for a period more than 10 years on a duly sanctioned posts. It was thus the responsibility of the Municipal Corporation to regularize the 22

Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc services of the Petitioners and pay them the wages as applicable to the posts of the instructors as prescribed by the State Government under relevant Rules.

7. For the reasons recorded above, the Writ Petition deserves to be allowed and the same is accordingly allowed.

8. The Respondents are directed to regularize the services of the Petitioners from the date of sanction of the posts by the State Government i.e. 30.7.2009 onwards. The necessary orders shall be issued forthwith. The Respondents are shall also pay the regular salary in the prescribed pay scales excluding the amount already paid to them as expeditiously as possible and preferably within a period of eight weeks from today. The arrears of salary excluding the amount already paid to the Petitioners in the prescribed pay scales shall be paid from 30.7.2009 till now within the time stipulated as above.

9. The Rule is made absolute in the above terms. There shall be no order as to costs."

14. In our opinion, even the petitioners' case needs to be looked at favourably considering the decision of this Court in [Vandana Narsing Chinchwade and others](#) (supra) where facts situation was somewhat similar. It is further significant to mention that the challenge by the Corporation to the decision in [Vandana Narsing Chinchwade and others](#) (supra) by way of Special Leave Petition before the Hon'ble Supreme Court was dismissed vide order dated 13th August 2018.

15. According to us, what really clinches the issue is the decision of the Hon'ble Supreme Court in Jaggo (supra). 23 Uploaded on - - Downloaded on - 06/10/2026 21:47:13

Bhogale 6.wp-2566-2005.doc The observations of Their Lordships in the following paragraphs is extremely significant. The relevant paragraphs viz. Paragraphs 10, 11, 16, 20, 21, 22, 23, 24, 25, 26 and 27 read thus :-

"10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.

11. The appellants, throughout their tenure, were engaged in performing essential duties that were indispensable to the day-to-day functioning of the offices of the Central Water Commission (CWC). Applicant Nos. 1, 2, and 3, as Safaiwalis, were responsible for maintaining hygiene, cleanliness, and a conducive working environment within the office premises. Their duties involved sweeping, dusting, and cleaning of floors, workstations, and common areas--a set of responsibilities that directly contributed to the basic operational functionality of the CWC. Applicant No. 5, in the role of a Khallasi (with additional functions akin to those of a Mali), was entrusted with critical maintenance tasks, including gardening, upkeep of outdoor premises, and ensuring orderly surroundings.

16. The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their competence or performance. On the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents' belated plea of alleged unsatisfactory service appears to be an afterthought and lacks credibility.

24

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20. It is well established that the decision in [Uma Devi](#) (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgment of this Court in [Vinod Kumar v. Union of India](#), it was held that held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgment have been reproduced below:

"6. The application of the judgment in [Uma Devi](#) (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of [Uma Devi](#) (supra).

7. The judgment in the case [Uma Devi](#) (supra) also distinguished between "irregular" and "illegal"

appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as 25 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc conduct of written examinations or interviews as in the present case..."

21. The High Court placed undue emphasis on the initial label of the appellants' engagements and the outsourcing decision taken after their dismissal. Courts must look beyond the surface labels and consider the realities of employment : continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.

22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23. The International Labour Organization (ILO), of which India is a founding member, has consistently advocated for employment stability and the fair treatment of workers. The ILO's Multinational Enterprises Declaration encourages companies to provide stable employment and to observe obligations concerning employment stability and social security. It emphasizes that enterprises should assume a leading role in promoting employment security, particularly in contexts where job discontinuation could exacerbate long-term unemployment.

24. The landmark judgment of the United State in the case of Vizcaino v. Microsoft Corporation serves as a pertinent example from the private sector, illustrating the consequences of 26 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc misclassifying employees to circumvent providing benefits. In this case, Microsoft classified certain workers as independent contractors, thereby denying them employee benefits. The U.S. Court of Appeals for the Ninth Circuit determined that these workers were, in fact, common-law employees and were entitled to the same benefits as regular employees. The Court noted that large Corporations have increasingly adopted the practice of hiring temporary employees or independent contractors as a means of avoiding payment of employee benefits, thereby increasing their profits. This judgment underscores the principle that the nature of the work performed, rather than the label assigned to the worker, should determine employment status and the corresponding rights and benefits. It highlights the judiciary's role in rectifying such misclassifications and ensuring that workers receive fair treatment.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- **Misuse of "Temporary" Labels:** Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as "temporary" or "contractual", even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.
- **Arbitrary Termination:** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.
- **Lack of Career Progression:** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity 27 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc between them and their regular counterparts, despite their contributions being equally significant.
- **Using Outsourcing as a Shield:** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.
- **Denial of Basic Rights and Benefits:** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

26. While the judgment in [Uma Devi](#) (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal,

but merely lack adherence to procedural formalities. Government departments often cite the judgment in [Uma Devi](#) (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their 28 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country."

16. In the present case, it is seen that when the Corporation was in need of the services of the petitioners, by a resolution passed by the Standing Committee under the provisions of the said Act of 1949, the petitioners were appointed to work on a temporary basis on temporary posts. The petitioners are working as Instructors in the Industrial Training Institute formed by respondent No.2. The main object of the Institute is to impart industrial training to the students throughout Maharashtra. Later on, the posts were sanctioned. There is no dispute that the petitioners are duly qualified. After the posts came to be sanctioned, it is the Corporation which had submitted a proposal for regularising the services of these 12 petitioners against the sanctioned posts. The Corporation has kept these number of posts vacant even today and filled up the remaining ones by the regular 29 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc process of appointment. The petitioners are working as against these sanctioned posts, the label given to them is temporary or continuing under the orders of this Court. Thus, so far as these petitioners are concerned, they can easily be accommodated in the sanctioned vacant posts which are very much available. The petitioners have discharged the duties all these years sincerely as against these sanctioned vacant posts. It would be a different matter had these sanctioned posts been filled up, and in addition the petitioners were to seek regularisation despite absence of sanctioned vacant posts. The Corporation has taken work from the petitioners. Thus it cannot be said that there is any added burden, financial or otherwise on the Corporation. For the work the petitioners have performed, they must be compensated in the same terms as their counterparts who are discharging the same duties but were regularly appointed. The contention that the appointment is irregular can very well be balanced in the peculiar facts by restricting the quantum of arrears.

17. The petitioners have worked continuously from the year 30 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc 1997/1999 onwards. The petitioners have been discharging their roles as Instructors in the Industrial Training Institute, imparting industrial training to the students, and there is nothing on record to indicate that the petitioners' services have been unsatisfactory. The petitioners have now worked for a period ranging between 27 to 29 years on a consolidated pay, which is much lesser compared to the consolidated salary the regular employees are getting in the pay scale prescribed, for the very same duties and work the petitioners are discharging. No doubt the petitioners have continued from the year 2005 onwards under the orders of this Court. The fact remains that till then the petitioners worked for a number of years continuously on a temporary basis as even the Corporation had submitted the proposal to the State Government for appointing the petitioners on a permanent basis in the sanctioned posts which were then available. The State Government and the Corporation are model employers. The petitioners deserve to be treated fairly. Depriving them the benefits of regularisation of service at this juncture would be travesty of justice.

18. It is in these circumstances we are of the considered 31 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc opinion that the initial appointment of the petitioners cannot be said to be illegal appointment. We have no hesitation in borrowing the observations of Their Lordships in *Jaggo* (supra) in extenso to support the view that we take, so also to distinguish the decision in [Umadevi and others](#) (supra) and other decisions relied by learned counsel for the respondents.

19. Moreover, in respect of employees who were somewhat similarly situated as the present petitioners, this Court has in [Vandana Narsing Chinchwade and others](#) (supra) granted the relief of regularisation to the petitioners therein.

20. In the facts of this case, merely because the petitioners continued in the employment under the orders of this Court should not be a factor to deprive them the benefits of regularisation.

21. The upshot of the discussion is as under :-

(A) The petitioners were appointed due to the exigencies of work as pleaded by the Corporation. At the relevant time the Recruitment Rules for the said posts were not framed. Therefore, even as per the Corporation's own showing, the appointments were made pursuant to the resolution passed by the Standing 32 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc Committee. Thus, it is clear that the petitioners who were appointed as Instructors and were duly qualified at the relevant time of their appointment, were appointed because of the exigencies and need of the Corporation. In fact at the relevant time the posts were temporary posts. After the posts were sanctioned, no doubt the posts should be filled up by a regular recruitment process. The petitioners were continued and in fact in the year 2005 a proposal was moved for regularising the services of the petitioners in the sanctioned vacant posts. Thus, from this it is seen that even the Corporation realised that the petitioners who were appointed due to the exigencies of the Corporation, deserved to be regularised.

(B) The State Government did not approve the proposal as according to the State Government the sanctioned posts should be filled in through the regular process of recruitment by giving an opportunity to everyone interested in applying and all this with a view to prohibit backdoor entry. This approach of the State Government may well be in accordance with the settled principles of recruitment process. However, the State Government could well 33 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc have considered the peculiar facts of this case as the petitioners worked as Instructors in temporary posts when the respondent No.3 needed them most and in the absence of sanctioned posts.

(C) The petitioners are duly qualified and having put in some number of years in the said posts, the proposal of the Corporation seeking regularisation of services of the petitioners should have been looked at pragmatically. The petitioners have now continued for more than 27 years, no doubt under the interim orders of this Court, but in our opinion the overall facts of the case, the resolution of the Standing Committee initially appointing the petitioners in the temporary posts and then submitting a proposal approved by the Corporation for regularisation after the posts were sanctioned, are circumstances, which in our opinion must weigh in favour of the petitioners.

22. Learned counsel for the petitioners prayed that petitioners be granted arrears of salary from the date of their initial appointment or at least from the date when the posts came to be sanctioned. Mr. Kiran Bapat, learned Senior Advocate for the Corporation, submitted that granting arrears from the date when 34 Uploaded on - - Downloaded on - 06/10/2026 21:47:13 Bhogale 6.wp-2566-2005.doc the posts were sanctioned will place a heavy financial burden on the Corporation, moreover as the State Government had refused to approve the proposal submitted by the Corporation as far back in the year 2005 for regularisation of the petitioners. In the peculiar facts we are not inclined to grant salary from the date of sanctioning of the posts; however, we are of the opinion that ends of justice would be met if the arrears of salary in the pay scale are paid to the petitioners for the past ten years.

23. We are therefore inclined to allow this writ petition in terms of prayer clause (a) subject to the following modification :-

(i) The petitioners shall be entitled to regularisation, permanency and consequential benefits from the date of sanctioning of the posts. The arrears of salary be granted with effect from 1st October 2016, that is for the last ten years. The arrears be paid to the petitioners within a period of one year from today.

24. The writ petition is allowed in the aforesaid terms.

25. The civil application is also disposed of.

(SANDESH D. PATIL, J.)

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