

**BEFORE SHRI S. Z. SONBHADRE
MEMBER INDUSTRIAL COURT AT THANE MAHARASHTRA**



Filed On :- 29-05-2007

Registered On :- 29-05-2007

Decided On :- 31-01-2025

Duration :- 17 Y; 10 M; 02 D

Complaint (ULP) No.- 134 of 2007

Exhibit – O - 4

CNR No.- MH IC 04 000 077 2007

1. **Akhil Bhartiya Safai
Mazdoor Congress,**
'Aashirwad' Bhavan, Joashi Baug,
Kalyan (West), Dist. Thane.

2. **Labour Front,**
Near Chhaya Hospital,
Ambarnath, Dist. Thane.

- **Original**
Complainants

: Versus :

1. **Ulhasnagar Municipal Corporation**
Ulhasnagar, Dist. Thane.

2. **The Commissioner,**
Ulhasnagar Municipal Corporation,
Ulhasnagar, Dist. Thane.

3. **The Deputy Commissioner,**
Head Office -
Ulhasnagar Municipal Corporation,
Ulhasnagar, Dist. Thane.

4. **Bharatiya Kamgar Karmachari
Mahasangh, Mumbai.**

5. **Maharashtra Mazdoor Sabha,**
Kulgaon Badlapur, Thane.

- **Original**
Respondents

And

**Group – A Workers Represented by
Advocate Shri. Akash Menon,
As Per Application Exh.- UA-4.**

- A-01. Kalyan Gopal Ghoderao,**
Male, Age : 48 Years,
Residing at Pitamah Ramji
Ambedkar Nagar, Daha Chawl,
Ulhasnagar No. 4.
- A-02. Babasaheb Bhagwan Londhe,**
Male, Age : 50 Years,
Residing at Kailash Nagar,
Kurla Camp, Ulhasnagar No. 5.
- A-03. Gorakh Shankar Shinde,**
Male, Age : 47 Years,
Residing at Pitamah Ramji
Ambedkar Nagar, Daha Chawl,
Ulhasnagar No. 4.
- A-04. Abhimanya Bhimsen Kharat,**
Male, Age : 45 Years,
Residing at Pitamah Ramji
Ambedkar Nagar, Daha Chawl,
Ulhasnagar No. 4.
- A-05. Somnath Nana Ubale,**
Male, Age : 51 Years,
Residing at Vaishakhare
Murbad, Thane.
- A-06. Sarjerao Vishwanath Tapal,**
Male, Age : 50 Years,
Residing at Pitamah Ramji
Ambedkar Nagar, Daha Chawl,
Ulhasnagar No. 4.

A-01 – To – A-20
- "Group-A" Applicants

- A-07. Vithal Rambhaji Borade,**
Male, Age : 53 Years,
Residing at Pitamah Ramji
Ambedkar Nagar, Daha Chawl,
Ulhasnagar No. 4.
- A-08. Sanjay Dadu Chandne,**
Male, Age : 49 Years,
Residing at Premnagar Tekdi,
Gandhi Road, Ulhasnagar No. 5.
- A-09. Ambadas Gangaram Mote,**
Male, Age : 54 Years,
Residing at Block C-73,
Kurla Camp Road,
Shivneri Hospital, Ulhasnagar No. 4.
- A-10. Shankar Daulat Bansode,**
Male, Age : 56 Years,
Residing at Budhsamaj Mandir,
Mahatma Phule Tekdi,
Gandhi Road, Ulhasnagar No. 5.
- A-11. Dayanand Namdev Londhe,**
Male, Age : 48 Years,
Residing at Kailash Nagar,
Kurla Camp, Ulhasnagar No. 5.
- A-12. Anil Bhagwan Gaikwad,**
Male, Age : 47 Years,
Residing at Budhwada Room No. 72,
Gaidevi Road, Badlapur (East).
- A-13. Santosh Laxman Alhat,**
Male, Age : 40 Years,
Residing at Ganesh Nagar,
39 Section, Ulhasnagar No. 5.

- A-14. Suryakant Nivruti Dhasal,**
Male, Age : 49 Years,
Residing at Shri Krishna Colony,
Lalchaki Road, Room No. M/04,
Ulhasnagar No. 4.
- A-15. Joseph Ratan Kharat,**
Male, Age : 49 Years,
Residing at Mahatma Phule Nagar,
GandhiTekdi, Ulhasnagar No. 5.
- A-16. Sharad Mohan Pawar,**
Male, Age : 60 Years,
Residing at Shiv Shakti Colony,
OT Section, Ulhasnagar No. 5.
- A-17. Manik Sambhaji Bankar,**
Male, Age : 58 Years,
Residing at Shastri Nagar,
Room No. 225,
Opp. Anita Park Building,
Hindripada, Badlapur (West).
- A-18. Bhagwan Shripat Gade,**
Male, Age : 46 Years,
Residing at Ananta Swarup
Chawl No. 5, Room No. 01,
Aashele Pada, Ulhasnagar No. 4.
- A-19. Dadu Gangaram Shinde,**
Male, Age : 64 Years,
Residing at Kailash Nagar,
Kurla Camp Road, Ulhasnagar No. 5.
- A-20. Arjun Govind Salve,**
Male, Age : 52 Years,
Residing at Premnagar Tekdi,
Gandhi Road, Ulhasnagar No. 5.

**Group – B Workers Represented by
Advocate Shri. S. A. Kocharekar,
As Per Application Exh.- UB-4.**

- B-01. Ramesh Vithal Ranadive,**
Age :- 58 Years,
Residing at Ramji Ambedkar Nagar,
Division No. 2,
Near Gurunanak School,
Ulhasnagar - 421 004,
Dist. Thane, Cell : 95272 63817.
- B-02. Ashok Tanaji Borage,**
Age :- 61 Years,
Residing at Gandhi Nagar,
Balkachibari,
Khemani, Ulhasnagar - 421 002,
Dist. Thane, Cell : 90110 88982.
- B-03. Manohar Balu Tupe,**
Age :- 57 Years,
R/o Sant Gadge Maharaj Ashram
Shala, Bhatsai, Vehloli, Shahapur,
Dist. Thane - 421 301.
Cell : 78876 25958.
- B-04. Navnath Narayan Gade,**
Age :- 61 Years,
R. S. Jetvan Nagar,
Opp. Mohane Siddharth School,
Tal. Kalyan, Dist. Thane - 421 102,
Cell : 95521 19832.
- B-05. Sanjay Sambhaji Baviskar,**
Age :- 52 Years,
Shiv Colony, Kedar Niwas,
Near Shiv Mandir, Ulhasnagar - 3,
Dist. Thane - 421 003.
Cell : 98606 33819.

B-06. Anand Narayan Dolas,

Age :- 56 Years,
R. S. Jetvan Nagar,
Opp. Mohane Siddharth School,
Kartik Temple Road, Ambivali (East),
Tal. Kalyan, Dist. Thane - 421 002,
Cell : 86553 88502.

B-07. Baliram Dhondu Rao,

Age : 56 Years,
Residing at Bhatsai, Post Vehloli,
Tal. Shahapur, Dist. Thane - 421 301,
Cell : 70381 85455.

B-08. Sahebrao Bhau Gaikwad,

Age :- 55 Years,
Brahman Wada,
Near Shantingram School,
Shantinagar, Ulhasnagar - 421 003,
Dist. Thane, Cell : 91723 72742.

B-01 – To – B-08
- "Group-B" Applicants

**Group – C Workers Represented by
Advocate Shri. K. I. Killedar,
As Per Application Exh.- U-57-A.****C-01. Tulsiram Maruti Ghegadmal,**

Age :- 51 Years,
Room No. 3, Chawl No. 3,
Central Excise Colony,
Near Birla Collage, Bhoirwadi,
Kalyan (E), Dist. Thane - 421 301.

C-02. Harilal Jagdish Bhagwane,

Age :- 49 Years,
BK No. 1125, Room No. 11,
Follower Line, Ulhasnagar-2,
Dist. Thane - 421 002.

C-01 – To – C-20
- "Group-C" Applicants

- C-03. Sitaram Govind Salve,**
Gandhi Road, Gurudev Prem Nagar,
Ulhasnagar-5, Dist. Thane.
- C-04. Gopal Lakhmira,**
Barrack No. 16, Room No. 7,
Near Shahad Phatak, Dist. Thane.
- C-05. Raghunath Bahiru Pagare,**
203, Milind Nagar, F-Cabin,
Near Shivsena Office,
Near Buddha Vihar,
Kalyan Katemanavli, Dist. Thane.
- C-06. Prabuddha Somnath Dhende,**
Ravindra Randive Chawl,
Ashok Nagar, Baldhuni,
Kalyan, Dist. Thane.
- C-07. Bhagwan Dagdu Angrakh,**
Anand Nagar, Ambernath Road,
Ulhasnagar - 3, Dist. Thane.
- C-08. Jeetu Premchand Chautele,**
Bhaiyasaheb Ambedkar Nagar,
Near Shankar Kirana,
Tekdi Near Ambedkar Statue,
Ulhasnagar - 2, Dist. Thane.
- C-09. Sharad Hiranman Ahire,**
Own House, Ambernath Road,
Near Saibaba Mandir,
Samrat Ashok Nagar,
Ulhasnagar - 3, Dist. Thane.
- C-10. Raosaheb Gulabrao Kale,**
Mahatma Phule Nagar,
Premnagar, Tekdi, Ulhasnagar-5,
Dist. Thane.

- C-11. Belram Chidda Karotiya,**
Barrack No. 1133, Room No. 10,
Flower Line, Ulhasnagar - 3,
Dist. Thane.
- C-12. Shobha Bhila Wagh,**
D-Block Near Datta Mandir,
Ulhasnagar-3, Dist. Thane.
- C-13. Madhukar Y. Ubale,**
Chawl No. 7, Room No. 6,
Shanti Nagar, Kalyan, Dist. Thane.
- C-14. Khandu Dada Unawane,**
Mukadam Chawl, Double Tower,
Kalyan, Anandwadi.
- C-15. Raju Baliram,**
Bharat Nagar, Kansai Road,
Ulhasnagar.
- C-16. Ramesh Babaji Jadhav,**
Mukam Post Baile,
Tal. Kalyan, Titwala, Thane.
- C-17. Najuka Nivruti Bharit,**
Ashok Nagar, Kedubhaiya Chi Chawl,
Nr. Budhvihar, Kalyan, Thane.
- C-18. Shashi Gopal Pandey,**
Mahatma Phule Nagar, Ulhasnagar.
- C-19. Rajkumar Kishanlal,**
Kokadipada, Cab No. 3,
Ulhasnagar No. 3.
- C-20. Gorakh D. Pagare,**
Bharat Nagar Road, Kansai,
Ulhasnagar No. 4, Thane.

**Group – D Workers Represented by
Advocate Shri. K. I. Killedar,
As Per Application Exh.- U-63.**

- D-01. Krishna Raju Pujari,**
Age :- 48 Years,
C/o.Pornala Vishwanath Ugraswami,
H. No. 119,
Behind Panchvati Building,
Kombadpada, Bhiwandi,
Dist. Thane - 421 308.
- D-02. Roneet Rajendra More,**
Age :- 49 Years,
Flat No. 109, House No. 0008,
Vijaya Residency, Ghansoli,
Gothivali Village, Navi Mumbai,
Dist. Thane - 400 701.
- D-03. Manoj Ganpat Jadhav,**
Age :- 49 Years,
Sayba Nagar, Hanuman Tekadi,
MIDC Pipe Line, Kalwa,
Dist. Thane - 400 605.
- D-04. Mahendra Gajanan Patekar,**
Age :- 48 Years,
Municipal Colony - 3, Room No. 20,
Kolekar Chowk, Sangampada,
Bhiwandi, Dist. Thane.
- D-05. Hiranman Bhiku Gaikwad,**
Age :- 48 Years,
Room No. 16, Chawl No. 10,
Parivartan CHS, Bhagwan Nagar,
Katemanivali, Kalyan,
Dist. Thane - 421 306.

D-01 – To – D-94
- "Group-D" Applicants

D-06. Sudesh Chandrakant More,

Age :- 48 Years,
Village Adavale Budruk,
Dist. Raigad - 402 303.

D-07. Sonali Ramdas More,

Age :- 47 Years,
Ramchashil, Kautami Kadam Nagar,
Bhiwandi, Dist. Thane.

D-08. Vasant Rajendra More,

Age :- 48 Years,
Panchashil Nagar, Bhiwandi,
Dist. Thane.

D-09. Suraj Manik Patil,

Age :- 48 Years,
Village Vaijola, Lonad,
Dist. Thane - 421 302.

D-10. Lata Bhim Bhote,

Age :- 46 Years,
Renuka Nagar, Ward No. 1,
Village Mharal, Mharal,
Dist. Thane - 421 301.

D-11. Pushpa Babulal Dhanatole,

Age :- 46 Years,
Kamgar Hospital, Ulhasnagar-3,
Dist. Thane.

D-12. Padma Raju Bhandari,

Age :- 46 Years,
Gaondevi Road, Near Iqbal Clinic,
New Balaji Nagar, Ambernath,
Dist. Thane.

D-01 – To – D-94
- "Group-D" Applicants

- D-13. Mallesh Marappa Mhetre,**
Age :- 48 Years,
Deepak Nagar Road,
Petacostal Church, Nakinda Nagar,
Deepak Nagar, Ambernath,
Dist. Thane.
- D-14. Govardhan Hanumantha Madival,**
Age :- 47 Years,
New Balaji Nagar, Gaovdevi Road,
B.R.S. Ground, Ambernath,
Dist. Thane.
- D-15. Akash Raju Bhandari,**
Age :- 46 Years,
Iqbal Doctor, New Balaji Nagar,
Ambernath, Dist. Thane.
- D-16. Parashuram Tayappa Dhangar,**
Age :- 49 Years,
Siddharth Nagar, Dr. R. P. Road,
Mulund (West), Mumbai.
- D-17. Laxmi Mallesh Mhetre,**
Age :- 48 Years,
Deepak Nagar Road,
Near Pandy Costal Church,
Nalanda Nagar, Ambernath,
Dist. Thane.
- D-18. Nilesh Tukaram Phalke,**
Age :- 47 Years,
G. D. Ambekar Marg, Bhoiwada,
Parel, Mumbai.
- D-19. Sadanand Balkrishna Bhandari,**
Age :- 46 Years,
Ashok Nagar, A.C.C. Road,
Near Buddh Vihar, Ambernath,
Dist. Thane.

- D-20. Someshekra Somappa,**
Age :- 47 Years,
Deepak Nagar Road,
Near Panty Costal Church,
Nalanda Nagar, Ambernath,
Dist. Thane.
- D-21. Prashant Martand Bhoir,**
Age :- 47 Years, Ashok Nagar,
Waldhumi Kedu Bhaiya Chawl,
Room No. 1, Kalyan, Dist. Thane.
- D-22. Nandini Nandu Gaikwad,**
Age :- 48 Years,
Chamtoli, Badlapur (East),
Dist. Thane.
- D-23. Vinod Ananta Jhadhav,**
Age :- 47 Years,
Near Hanuman Mandir,
Post Borsheli,
Asangaon Thane Shahapur,
Dist. Thane.
- D-24. Amol Sanjay Khandare,**
Age :- 47 Years,
Near Hanuman Mandir, Boraseli,
Asangaon, Dist. Thane.
- D-25. Sachin Shankar More,**
Age :- 48 Years,
Dr. Ambedkar Nagar, Chopda Court,
Behind Dr. Bhatija Hospital,
Ulhasnagar - 3, Dist. Thane.
- D-26. Bhaurao Ronu Tribhuwane,**
Age :- 49 Years,
Khemani Ruhani Satsang Chya
Pathimage Laxashmi Bekari,
Ulhasnagar -2, Dist. Thane.

- D-27. Kalpana Ananta Bhalerao,**
Age :- 47 Years,
Ambedkar Nagar, Post Igatpuri,
Dist. Igatpuri, Nasik.
- D-28. Shobha Yadav,**
Age :- 47 Years,
Near Hanuman Mandir,
Mharal Gaon, Lalaji Kirana Store,
Ulhasnagar - 3, Dist. Thane.
- D-29. Ashok Shinde,**
Age :- 49 Years,
Titwala Ganapati Mandir,
Near Kalpana Dudh Dairy,
Titwala, Dist. Thane.
- D-30. Yogesh Gaikwad,**
Age :- 48 Years,
Near Railway Colony,
Building No. 6, Kurla Station,
Kurla, Mumbai.
- D-31. Krishana Pawar,**
Age :- 47 Years,
Shri Ram Talikes, Vasita Colony,
Ambemata Mandir,
Barrack No. 1242, Room No. 1,
Ulhasnagar - 4, Dist. Thane.
- D-32. Ananta Datatry Gave,**
Age :- 47 Years,
House No. 268, Near Giriraj Building,
Kombapada, Bhiwandi, Dist. Thane.
- D-33. Vinod Bhalerao,**
Age :- 48 Years,
Tiwari Nivas, Satale Colony,
3rd Floor, Room No. 08,
Kolsewadi East, Kalyan, Dist. Thane.

- D-34. Kunda Ramdas Garud,**
Age :- 47 Years,
Mitra Type Room No. 960/A,
Kolsewadi, Katemanewali,
Kalyan (East), Dist. Thane.
- D-35. Anil Anantu Pagare,**
Age :- 48 Years,
Near Birla College, Shivam Complex,
A - Wing, Room No. 11,
Gauripada Road,
Kalyan, Dist. Thane.
- D-36. Ravi Ramdas Garud,**
Age :- 47 Years,
Room No. 960/A, Railway Quarter,
Katemanavali, Kalyan,, Dist. Thane.
- D-37. Amrapali Dhage,**
Age :- 46 Years,
Shahad Fatak, Shivaji Road,
Near Shubhash Dairy,
Ulhasnagar – 1, Dist. Thane.
- D-38. Ujawala Uginde,**
Age :- 47 Years,
Balaji Chinchapada,
Marthoma Church,
Mohamgiri Complex, Room No. 302,
3rd Floor, Kolsewadi,
Kalyan, Dist. Thane.
- D-39. Namrata Vinod,**
Age :- 46 Years,
Chabutra Baag, Near Anand Nagar
Jhopadpati, Kolsewadi,
Kalyan, Dist. Thane.

- D-40. Pramod Bhalerao,**
Age :- 48 Years,
Ashok Nagar, Waldhumi,
Near Budha Vihar, Kalyan,
Dist. Thane.
- D-41. Nandu Trubhuwane,**
Age :- 50 Years,
Maruti Temple, Post Agaskhimu,
Simnar, Nasik.
- D-42. Dyeneshwar Rakashe,**
Age :- 49 Years,
Ramabai Tekadi, Khemuni,
Ulhasnagar - 2, Dist. Thane.
- D-43. Mangal Depak,**
Age :- 47 Years,
Rajbhar Nagar, Gavdevi Mandir,
Chawal No. 5, Room No. 6,
Kolsewadi, Kalyan, Dist. Thane.
- D-44. Abhijit Bhikaji,**
Age :- 48 Years,
Kalyan Syndicate Karnik Road,
Asha Complex, 2nd Floor,
Room No. 4, Kalyan, Dist. Thane.
- D-45. Lata Kache,**
Age :- 46 Years,
Near Kamyur Hopsital,
Hariram Colony, Room No. 638,
Ulhasnagar – 3, Dist. Thane.
- D-46. Dilip Chavan,**
Age :- 48 Years,
Khemandi Ruhani Satsang Back,
Near Lakashmi Bakery,
Ulhasnagar - 2, Dist. Thane.

- D-47. Jitu Choutele,**
Age :- 47 Years,
Bhityasaheb Ambedkar Nagar,
Near Shankar Kirana, Tekadi,
Ambedkar Statute, Ulhasnagar - 2,
Dist. Thane.
- D-48. Koutik Gaikwad,**
Age :- 48 Years,
Fish Market, Near Durga Temple,
Ulhasnagar - 2, Dist. Thane.
- D-49. Rajkiran Chandan Shiv,**
Age :- 48 Years,
Garib Nagar, Khemani,
Ruhani Satsang Back,
Near Lakashmi Bakery,
Ulhasnagar - 2, Dist. Thane.
- D-50. Menna Arund,**
Age :- 46 Years,
Ashok Nagar, Waldhuni,
Abdul Khan Chawl, Near Masjid,
Kalyan, Dist. Thane.
- D-51. Manoj Pagare,**
Age :- 47 Years,
Garib Nagar, Ruhani Satsang Back,
Near Gandhi Nagar,
Near Shivsena Shaka,
Ulhasnagar – 2, Dist. Thane.
- D-52. Ranjana Bandu Bhalerao,**
Age :- 47 Years,
Garib Nagar, Khemani,
Ruhani Satsang,
Near Lakashmi Bakery,
Ulhasnagar - 2, Dist. Thane.

D-53. Pandurang Kapure,

Age :- 51 Years,
Khemani Fish Market,
Barrack No. 543, Room No. 4,
Ulhasnagar - 1, Dist. Thane.

D-54. Rahul Kondiram Rokade,

Age :- 49 Years,
Dream Complex B/4, Room No. 103,
Near Ram Mandir,
Kalyan Bhiwandi Road, Kongaon,
Post Sarasvali, Dist. Thane.

D-55. Ram Shele,

Age :- 49 Years,
B. K. No. 139, Tilak Nagar,
Valmiki Nagar,
Near MIDC Water Tank,
Ulhasnagar - 1, Dist. Thane.

D-56. Shubhash Dhantole,

Age :- 49 Years,
Kamgar Hospital, Harijan Colony,
Near Central Hospital,
Room No. 138,
Ulhasnagar - 3, Dist. Thane.

D-57. Arun Jamdade,

Age :- 48 Years,
Ramabai Tekadi, Khemani,
Ulhasnagar - 2, Dist. Thane.

D-58. Alaka More,

Age :- 47 Years,
Shanti Nagar, Sai Colony,
Near Shivsena Shaka,
Ghalapada, Kalyan, Dist. Thane.

D-01 – To – D-94
- "Group-D" Applicants

- D-59. Mayur Rambhare,**
Age :- 48 Years,
Behind L-Ward Building 429/7,
Lakashmi Bai Tawade Chawl,
Shivaji Chowk, New Mill Road,
Kurla, Mumbai.
- D-60. Sushant Ahire,**
Age :- 48 Years,
Building No. A, I - Wing,
Room No. 13 & 14,
W. Government Colony,
Near Shivam Hospital,
Bandra (E), Mumbai.
- D-61. Kapil Rajendra Chavan,**
Age :- 47 Years,
Yashwant Tukaram Gaikwad,
Anand Road, Blawant Plaza,
Back Godase Mala,
Devalali Camp, Nasik.
- D-62. Baliram Ganaram,**
Age :- 49 Years,
Khadavali Shivsena Shakha,
Near Hanuman Pada, Sonare Chawl,
Room No. 8, Kalyan, Dist. Thane.
- D-63. Kapil Gaikwad,**
Age :- 48 Years,
Yashwant Tukaram Gaikwad,
Anand Road, Godase Mala,
Devalali Camp, Nasik.
- D-64. Rekha Sunil Pagare,**
Age :- 46 Years,
Sai Leela Apartment,
Flat No. 203, Chichpada,
Kalyan, Dist. Thane.

- D-65. Nana Dagadu Bhalerao,**
Age :- 47 Years,
Mharal Gaon, Sunil Chowk,
Near Buddh Vihar,
Kalyan, Dist. Thane.
- D-66. Mahendra Appa Jadhav,**
Age :- 47 Years,
Bhivand Sidhivinayak Residency,
Temghar, Kalyan Road,
Dist. Thane.
- D-67. Vinod Anupsing Utwal,**
Age :- 48 Years,
Aaras Tekadi, Dumbdep Nagar,
Near Budh Mandir, Ambivali,
Kalyan, Dist. Thane.
- D-68. Sahadev Sarjerao Gavhane,**
Age :- 48 Years, Ramasgaon Wadi,
Ghansawangi, Jalna.
- D-69. Sashikla Vijay Palem,**
Age :- 47 Years,
Gaondevi Road,
Near Rakesh Power Laundry,
New Balaji Nagar, Ambernath,
Dist. Thane.
- D-70. Sangita Shahadev Gavhane,**
Age :- 47 Years,
Ramasgaon Wadi,
Ghansawangi, Jalna.
- D-71. Pramod Shankar Hiwale,**
Age :- 47 Years,
Flat No. 202, 2nd Floor, D - Wing,
SiddhiVinayak Residency,
Kalyan Road, Bhiwnadi, Dist. Thane.

- D-72. Swapnali Sunil Yelave,**
Age :- 46 Years,
Municipal Staff Quarter Building
No. 2/18, Panchashil Colony,
Padmanagar Road,
Near Ganesh Talkies,
Bhiwandi, Dist. Thane.
- D-73. Jignesh Waman Gaikwad,**
Age :- 48 Years,
A/115, Navjeevan Colony,
Padma Nagar,
Bhiwandi, Dist. Thane.
- D-74. Swapnali Sadam Mohite,**
Age :- 46 Years,
24/B, N. M. C. Chawl,
Najrana Road, Chalange Ground,
Near Ali, Bhiwandi, Dist. Thane.
- D-75. Umesh Shivram Dhuri,**
Age :- 49 Years,
Room No. 9, Matru Pitru Niwas,
Charan Sawantwadi,
Gavadhanwadi, Sindhudurga.
- D-76. Veena Vinod Shelar,**
Age :- 46 Years,
Municipal Staff Quarter Building,
Building No. 9/36,
Panchashil Colony,
Padmanagar Road,
Near Ganesh Talkies,
Bhiwandi, Dist. Thane.
- D-77. Archana Sachin More,**
Age :- 47 Years,
Panchashil Society,
Sanjay Gandhi Nagar,
Lubini Budha Vihar,
Vikhroli, Mumbai.

- D-78. Akshay Vijay Sonawane,**
Age :- 45 Years,
Bhagwan Nagar, Hanuman Nagar,
Katemanavali, Kalyan, Dist. Thane.
- D-79. Umesh Shreerang Waghmare,**
Age :- 46 Years,
Survey No. 124/1, Hijawadi Road,
Water Tank, Dhaba Khadak Wakad,
Hijwad, Pune.
- D-80. Malhari Pattu Vishe,**
Age :- 45 Years,
Babre Sakadbad Colony,
Hanuman Nagar, Chwal No. 6,
Room No. 3, Bhiwandi, Dist. Thane.
- D-81. Sudesh Chandrakant More,**
Age :- 45 Years,
Adawale Budruk, Near Ramgad,
Bhiwandi, Dist. Thane.
- D-82. Dinesh Mahendra Patekar,**
Age :- 45 Years,
Municipal Colony 3, Room No. 20,
Kalekar Chowk Sangampada Chowk,
Thane.
- D-83. Mangesh Siddharth Jadhav,**
Age :- 46 Years,
H. No. 1873, Flat No. 202, B-Wing,
Apartment Khar Aai Nagar,
Shelar, Bhiwandi, Dist. Thane.
- D-84. Sanket Vasant Bhoir,**
Age :- 46 Years,
At Ushid, Post Fhalegaon,
Tal. Kalyan, Dist. Thane.

- D-85. Vinod Savlaram Gurav,**
Age :- 45 Years,
625, Wada Road, Kawad,
Angaon, Dist. Thane.
- D-86. Arun Sudhir More,**
Age :- 47 Years,
Room No. 3, Chawl No. 42,
Navjeevan Nagar,
Vikhroli (E), Mumbai.
- D-87. Yashpal Ramesh Gondhale,**
Age :- 46 Years,
House No. 594,
Behind BMS College,
Bhaiyasaheb Ambedkar Nagar,
Chakanghar Naka,
Bhiwandi, Dist. Thane.
- D-88. Namrata Vinod Sakpal,**
Age :- 45 Years,
Ganesh Talkies Road,
M.N.P. Karmachari Vasahat,
Bhiwandi, Dist. Thane.
- D-89. Kavita Pandharinath Ghodke,**
Age :- 46 Years,
Navjeevan Colony,
Near Ram Mandir, Padmanagar,
Bhwiandi, Dist. Thane.
- D-90. Santosh Pandharinath Ghodke,**
Age :- 47 Years,
Navjeevan Colony, Near Ram Mandir,
Padmanagar, Bhiwandi, Dist. Thane.
- D-91. Prasavjeet Shivaji Kasbe,**
Age :- 46 Years,
Near Shreeram Mandir,
Bhandari Compound, Anand Nagar,
Narpoli, Bhiwandi, Dist. Thane.

D-92. Praveen Suryakant Gaikwad,

Age :- 45 Years,
Room No. 8, Near Bharat Niwas,
Shivaji Path, Gavdevi Maidan,
Near Rajmal Lakhmichand Jewellers,
Behind Naupada, Thane (West).

D-93. Devidas Dagdu More,

Age :- 48 Years,
Sayba Nagar, Hanuman Tekdi,
Near MIDC Pipe Line, Kalwa,
Dist. Thane.

D-94. Ganesh Dattu Jadhav,

Age :- 46 Years,
Municipal Colony, Building No. 5,
Room No. 5, Sangam Pada,
Bhiwandi, Dist. Thane.

D-01 – To – D-94
..“Group-D” Applicants

Coram : Shri. S. Z. Sonbhadre, Member Industrial Court.

Appearances : None For Complainant.

Shri. Akash Menon, Ld. Adv. For "Group – A" of 20 Applicants, Vide Appln. Exh.- UA-4.

Shri. S. A. Kocharekar Ld. Adv. For "Group – B" of 08 Applicants, Vide Appln Exh.- UB-4.

Shri. K. I. Killedar Ld. Adv. For Applicants Group - C & D of - 20 Applicants, Vide Appln. Exh.- U-57A & 94 Applicants, Vide Appln. Exh.- U-63.

Shri. N. B. Bhole, Ld. Adv. For Respondent No.- 1 to 3.

- : J U D G M E N T : -

(Delivered On 31-01-2025)

01. This Complaint was filed under Section 28, R/w. Items 5 and 9 of Schedule - IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (Hereinafter Referred As The "MRTU & PULP Act"), by the Two Complainant Unions namely (1) Akhil Bhartiya Safai Mazdoor Congress" and (2) Labour Front. The Prayer in this Complaint was for the directions to the Respondents to employ the Temporary Workers on the Post of Safai Kamgar as per the Seniority List. The Complainants also prayed for directions to the Respondents to appoint the Workers on Permanent Vacant Posts of Safai Kamgar from the Seniority List.

02. This Complaint was decided by my Ld. Predecessor vide Order dated 25-01-2010. The Order dated 25-01-2010 passed by my Ld. Predecessor was challenged by the Respondent Municipal Corporation by filing Writ Petition No.- 7060 of 2010 before Hon'ble Bombay High Court. In the said Writ Petition vide Order dated 03-09-2013, Advocate Shri M. S. Topkar was appointed as Mediator. Said Shri M. S. Topkar have submitted his Mediation Report on 14-02-2010 before Hon'ble

Bombay High Court in Writ Petition No.- 7060 of 2010. The Writ Petition No.- 7060 of 2010 was Disposed Off vide Order dated 17-06-2016, in Terms of Consent Terms.

03. It is the case of the Applicants that inspite of the Order passed by this Court and inspite of the Consent Terms, which were reduced in writing, vide Order dated 27-06-2016 passed by Hon'ble Bombay High Court in the said Writ Petition No.- 7060 of 2010, the Respondent Municipal Corporation did not take any steps for grant of appointments to the Applicants. As such, the Applicants in different Groups preferred Writ Petition No.- 10225/2017, 8157/2018 and 7676/2019, before the Hon'ble Bombay High Court. Hon'ble Bombay High Court vide Order dated 05-02-2024 in the said Writ Petition remanded the Matter to this Court, thereby permitting the Applicants / Petitioners to make an Application before this Court and for Appropriate Orders. Similar directions were issued by the Hon'ble Bombay High Court, vide order dated 09-07-2024, in the Writ Petition No.- 2843 / 2023.

04. Accordingly, the Applicants have filed Applications before this Court, in this Complaint (ULP) No.- 134 of 2007. Group of Twenty (20) Applicants represented by Advocate Shri Akash Menon filed Application Exh.- UA-4. Eight (08) Applicants represented by Advocate Shri Sandeep Kocharekar have filed Application Exh.- UB-2; UB-3 & UB-4. Application Exh.- U-57 was initially filed by Advocate Shri K. I. Killedar, for and on behalf of the 12 Applicants. Application Exh.- U-57 was amended vide Order dated 21-01-202, below Application Exh.- U-84. Amended Application is at Exh.- U-57-A. Amended Application Exh.- U-57-A, is filed for and on behalf of 20 – Applicants. So also the Group of 94 Applicants, represented by Advocate Shri K. I. Killedar filed Application Exh.- U-63. All the Applicants, in their respective Applications prayed for Appropriate directions to the Respondent Corporation, in terms of Order dated 25-01-2010, passed by this Court, in this Complaint ULP No.- 134 of 2007, and in terms of Consent Terms Order dated 27-06-2016, passed by Hon'ble Bombay High Court, in the Writ Petition No.- 7060 of 2010.

05. Respondent Municipal Corporation have filed Reply at Exh.- C-20 and opposed the Applications, at Exh.- U-57, UB-2, and UA-4. Respondent vide Reply at Exh.- C-41, opposed the Application Exh.- U-63.

06. In view of the Rival Submissions of the Parties, following Issues arise for my determination and I have recorded my Findings against each of them, for the Reasons to be followed -

<u>Issues</u>	<u>Findings</u>
1. Whether the Applicants have made out a case of Unfair Labour Practice against the Respondent Municipal Corporation and whether make out a case for grant of directions to the Respondent Municipal Corporation for Appointment of the Applicants on Permanent Basis ?	----- Partly Affirmative
2. What Order ?	----- As per Final Order

:-REASONS:-

07. **As to Issue No.- 1 :-** Heard Both Sides. Perused Record. Facts of the Matter regarding filing of Complaint, Order dated 25-01-2010 passed by my Ld. Predecessor, so also the filing of Writ Petition before Hon'ble Bombay High Court and Orders therein are Not Disputed. The Order dated 25-01-

2010 passed by my Ld. Predecessor in this Complaint (ULP)

No.- 134 of 2007, reads as under :-

1. The present complaint, which is filed by the complainants, under item nos. 5 & 9 of schedule IV of the MRTU & PULP Act regarding permanency.

2. In between period so many documents have been filed by the rival parties, and also the order was passed regarding appointment of Investigating Officer for preparation of seniority list, regarding the workers concerned in the proceeding working in the respondent corporation. As no proper steps have been taken by either parties to satisfy the Investigating Officer. Hence, it was not possible for the Investigating Officer, of this Court to submit the seniority list after perusing all the relevant documents and facts placed on record. Thereafter, as per the directions issued the respondent corporation have placed on record the seniority list of about more than 5000 Class IV employees i.e. Safai Kamgars and same is filed below list exhibit C-16. After perusing the contents of the said seniority list prepared and filed on record by the respondent corporation and after perusing the contents by all the respondents in the proceedings along with complainants they have also submitted seniority list below exhibit U-51 regarding first 620 employees from the above said seniority list which have been filed by the respondent stating therein that there is some

discrepancies in the names, surnames and fathers name in the said list. So accordingly the same also needs to be rectified especially father's name and surname. As the seniority list which is prepared by the respondent corporation is as per their wage bills and their contention is that the said names are also correct. But it is a fact on record before the said name in some cases fathers name and surname is missing and hence for the said purpose the complainants have placed on record the said list along with list exhibit U-51 and also along with same, some documents have been placed on record below exhibit U-53 showing discrepancies in the names and various orders issued by the respondent corporation to the workers concerned. As the workers are same but only in some cases father's name and surnames is missing.

3. Today when the matter was called for the complainant and all other respondent unions have filed application below exhibit U-55 stating therein the contents accordingly which also needs to be treated as part and parcel of the operative part of this order and in reply to the same the respondents have also placed on record the application exhibit C-19 and have also stated on the application filed below exhibit U-55 that Court may pass the appropriate orders considering the contents of the application. Hence thereafter hearing the submissions of the rival counsels and respondents, I have no difficulty to consider the said application and dispose off the present

complaint accordingly as prayed in the application below exhibit U-55 and respondent corporation is hereby directed to consider the contents therein and after getting the required rectification in the names and surnames, as stated in the said application below exhibit U-55 the orders be issued to the workers concerned on the vacant Posts which are in existence and will be likely to be created in the near future as per the requirements be recruited considering the seniority list filed below exhibit C-16, in the respondent corporation as per the existing seniority list which is there on record at list exhibit C-16 and U-51 accordingly. Again I repeat that the contents of the application filed below exhibit U-55 be considered as part and parcel of the operative part of this order. Hence this order and accordingly the complaint is disposed off as prayed by the rival parties.

08. Perusal of Order dated 25-01-2010 reveals that, my Ld. Predecessor directed to issue Appointment Orders on the Vacant Posts, which were in existence and which will be likely created in near future, as per requirement as per Seniority List filed at Exh.- C-16 and U-51.

09. The Order dated 25-01-2010 was challenged before the Hon'ble Bombay High Court by the Respondent Municipal Corporation vide Writ Petition No.- 7060 of 2010 . In

the said Writ Petition vide Order dated 03-09-2013, Advocate Shri M. S. Topkar was appointed as Mediator. Said Shri M. S. Topkar, Advocate have submitted his Mediation Report before Hon'ble Bombay High Court, in the Writ Petition No.- 7060 of 2010 on 14-02-2014. The relevant Para of the Mediation Report reads as under :-

The Corporation Officials and Union Representative had discussions over the issue. The Corporation Officials stated that the list of daily wages employees already prepared and finalized and all of them are back door entrants and cannot be regularized as of right. They further contended that the employees from said list do not fulfill the eligibility criterion and hence cannot be considered, without the said conditions being relaxed by the State Government. The Corporation officials stated that the Corporation would commence recruitment process by giving public advertisement and the eligible enlisted daily wages employees may apply in response thereto.

The Union Office bearers and Adv. Avinash Belge and Adv. Kirankumar Phakade representing them, opposed this and stated that there are 305 vacant Posts and about 620 daily rated employees from the list of 5170 employees are eligible for

permanency and regularization. The Unions wanted these employees to be given preference since they were working for more than 15-20 years with the Corporation on daily wages. The Unions also want the Corporation to undertake the process of filling up the Posts at the earliest since more employees would become age barred if the process is delayed.

As and by way of interim measure during the pendency of the Writ Petition, it was agreed between the parties that the Corporation would issue public advertisement and follow the recruitment procedure laid down by law at the earliest, for filling the vacant Posts in Class-IV category. The daily wages employees from the list, who are working and who satisfy the eligibility criterion i.e. age, education, qualification, etc. would apply in response to the said advertisement. The Corporation shall give preference to the said employees as per their seniority, while giving appointments. It was also agreed that the Corporation shall send requisite proposal to the State Government for creation of Class-IV Posts after getting the approval from the General Body.

10. Perusal of the Mediation Report reveals that, it was agreed by the Respondent Municipal Corporation to

commence Recruitment Process for the 305 Vacant Posts, for Permanency and Regularization.

11. In view of the Mediation Report, Consent Terms were filed before Hon'ble Bombay High Court in the Writ Petition No.- 7060 of 2010. Said Consent Terms reads as under:-

1. The petitioners hereby agree to fill the 305 vacancies in respect safai kamgars in the corporation as per the guide lines of the Honorable Supreme Court.
2. That both parties hereby agree to implement mediation Report dated 14/02/2014 filed by the mediator Adv. Mr. M. S. Topkar.
3. The Respondents undertakes to withdraw their complaints bearing No.- ULP 134/2007 pending before the Honorable Industrial court within one month from filing the consent terms.
4. The Petitioner undertake to withdraw the writ petition stands disposed of in view of the consent terms.
5. No order as to exist.

12. Perusal of Consent Terms reveals that, Respondent Municipal Corporation have agreed to fill 305 Vacancies in respect of Safai Kamgar in the Corporation. Both Parties have agreed to implement Mediation Report dated 14-02-2014 filed by the Mediator Advocate Shri M. S. Topkar.

13. Hon'ble Bombay High Court in view of the Mediation Report and also in view of Consent Terms, Disposed Off the Writ Petition No.- 7060 of 2010 vide Order dated 27-06-2016, which reads as under -

- 1.** Learned Counsel for the parties tender consent terms duly signed by the parties through their authorized representatives and also their respective Advocates. Learned Counsel for the Petitioners requests the Court to take the consent terms on record and seeks to withdraw the Petition. The consent terms are taken on record marked 'X' for identification. The statements and undertakings contained therein are accepted. The Petition is dismissed as withdrawn. No order as to costs.
- 2.** In view of the dismissal of the Petition in view of the consent terms, the Civil Applications do not survive and the same are also disposed of.

3. This order is passed in the presence of authorized representatives of the parties.

14. It has come on record that inspite of the Order dated 25-01-2010 passed by my Ld. Predecessor in the Complaint (ULP) No.- 134/2007 and also inspite of Consent Terms Order dated 27-06-2016 passed by Hon'ble Bombay High Court in the Writ Petition No.- 7060 of 2010, the Respondent Municipal Corporation did not take steps for filling up 305 Vacant Posts of Safai kamgar. As such, the Applicants herein approached Hon'ble Bombay High Court by filing Writ Petition No.- 10225/2017, 8157/2018 and 7676/2019. Hon'ble Bombay High Court considered the brief history of the Matter and passed Order dated 05-02-2024, in the said Group of Writ Petition No.- 10225/2017, 8157/2018 and 7676/2019, which reads as under :-

7. As regards the order passed by the Industrial Court and the order passed by this Court, there is no and cannot be any dispute. When the learned Single Judge disposed of the writ petition in terms of the consent terms, substituted the order passed by the Industrial Court with that of consent order.

8. Now, therefore, the question would remain of the execution of the said order. We note that the consent terms have not, in substance, modified the directions of the Industrial Court and have only provided the modalities for its implementation. Since large number of persons like the Petitioners are also involved, the adjudication regarding eligibility as on 25 January 2010 would require some time. According to us, since the rights of the Petitioners are traced to the order of the Industrial Court and the same has become final in view of order passed by this Court, the exercise will have to be carried out by the Industrial Court.

9. Accordingly, we permit the Petitioners to file an application for execution of the order dated 25 January 2010 passed by the Industrial Court in Complaint (ULP) No. 134/2007 read with the order dated 27 June 2016 passed by learned Single Judge of this Court in Writ Petition No. 7060 of 2010. If such an application is filed by the Petitioners within a period of four weeks, the Industrial Court will examine the case of each of the Petitioners as regards their eligibility as on 25 January 2010 as per the consent terms arrived at before this Court and once the Petitioners are found to be eligible as above, will issue necessary orders to the Respondent Corporation for complying with the order. The said exercise to be carried out by the Industrial Court within a period of six months from the date of the application.

The eligibility of the Petitioners will have to be accepted from the date of the order of the Industrial Court, that is, 25 January 2010.

10. We make it clear that the enquiry in the execution application will be limited to the above aspect that we have pointed out.

11. Writ petitions are accordingly disposed of.

15. Hon'ble Bombay High Court, also disposed of the Writ Petition No.- 2843 of 2023, vide Order dated 09-07-2024, with similar directions, as per the Order dated 05-02-2024, in the Group of Writ Petition No.- 10225/2017, 8157/2018 and 7676/2019. The relevant Para 3, of the Order dated 09-07-2024, in the Writ Petition No.- 2843 of 2023, reads as under :-

3. Accordingly, the Writ Petition is disposed of with directions give in Writ Petition No. 10225 of 2017, referred to above will apply the case of the Petitioner as well with suitable extension of the time period required for compliance of the order starting from today

16. Accordingly, the Applicants have approached this Court and on the Application of the Applicants, the Complaint (ULP) No.- 134/2007 was restored to the file of this Court, for its Disposal in Terms of directions issued by Hon'ble Bombay High Court.

17. The Applicants in their respective Applications have narrated the brief history of the Matter and claimed themselves to be entitled for being appointed on Permanent basis as per the directions dated 05-02-2024 issued by Hon'ble Bombay High Court, in the Writ Petition No.- 10225/2017, 8157/2018 and 7676/2019.

18. Applicants are many in number and are in 4 Groups. (1) Group of 20 Applicants represented by Advocate Shri A. Menon, is mentioned in Title Clause and in this Order as Group A, and Applicants are numbered as A-01 - to – A-20. (2) Group of 08 Applicants represented by Advocate Shri Sandeep Kocharekar is mentioned in the Title Clause and in this Order as Goup – B and Applicants are numbered as B-01 – to – B-08. (3) Group of 20 Applicants represented by Advocate Shri K. I. Killedar is mentioned in the Title Clause and in this Order as Group C and the Applicants are numbered as C-01 - to – C-20. (4) Group of 94 Applicants represented by Advocate Shri K. I. Killedar is mentioned in the Title Clause and in this Order as Group D and the Applicants are numbered as D-01 - to – D-94.

19. In view of the Order dated 25-01-2010 passed by my Ld. Predecessor, in this Complaint, and in view of the Order dated 05-02-2024, passed by Hon'ble Bombay High Court, in Writ Petition No.- 10225/2017, 8157/2018 and 7676/2019, the Applicants were directed to furnish the details of Applicants, in respect of their respective (1) Serial Number in Annexure to the Complaint (ULP) No.- 134/2007, (2) Serial Number in the Seniority List at Exh.- C-16, (3) Serial Number in Seniority List Exh.- U-51, (4) the Writ Petition No., (5) Date of Birth, (6) Age as on 25-01-2010 and (7) Aadhar Number.

20. Group - A of 20 Applicants (Application Exh.- UA-4) represented by Advocate Shri Akash Menon, vide Pursis Exh.- UA-11 have furnished the details of Applicant Employees, as under -

Sr. No.	Name	Sr. No.- In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers D-16	Sr. No. List of 620 Workers U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
A-01.	Kalyan Gopal Ghoderao.	Member of Complainant Union	109	109	8157/18. Sr. No.-1	05-04-1969	41 Years	9385 5934 7972
A-02.	Babasaheb Londhe,	Member of Complainant Union	78	78	8157/18. Sr. No.-2	02-01-1967	43 Years	5517 5797 1455

Sr. No.	Name	Sr. No.- In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers D-16	Sr. No. List of 620 Workers U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
A-03.	Gorakh Shinde.	Member of Complainant Union	397/455/774	397/455/774	8157/18. Sr. No.-3	16-11-1970	40 Years	8390 0264 4431
A-04.	Abhimanyu Kharat.	Member of Complainant Union	558/567	558/567	8157/18. Sr. No.-4	25-06-1972	38 Years	2323 7023 5925
A-05.	Somnath Nana Ubale.	Member of Complainant Union	55	55	8157/18. Sr. No.-5	01-06-1966	44 Years	9084 6771 9125
A-06.	Sarjerao Vishwanath Tapal.	Member of Complainant Union	164	164	8157/18. Sr. No.-6	01/06/1966	44 Years	7240 2881 5058
A-07.	Vithal Rambhaji Borade.	Member of Complainant Union	238	238	8157/18. Sr. No.-7	01/06/1964	46 Years	7244 3983 3123
A-08.	Sanjay Dadu Chandne.	Member of Complainant Union	138	138	8157/18. Sr. No.-13	1966	44 Years	6411 3776 4642
A-09.	Ambadas Gangaram Mote.	Member of Complainant Union	49	49	8157/18. Sr. No.-14	01/06/1964	46 Years	3943 8429 1933
A-10.	Shankar Daulat Bansode.	Member of Complainant Union	119	119	8157/18. Sr. No.-15	10/01/1950	60 Years	4770 3940 9779
A-11.	Dayanand Namdev Londhe.	Member of Complainant Union	181	181	8157/18. Sr. No.-17	27/07/1969	41 Years	6190 0820 8577
A-12.	Anil Bhagwan Gaikwad.	Member of Complainant Union	229	229	8157/18. Sr. No.-18	15/06/1970	40 Years	5368 5652 1591
A-13.	Santosh Laxman Alhat.	Member of Complainant Union	228	228	8157/18. Sr. No.-19	03/04/1977	33 Years	8301 2177 4138
A-14.	Suryakant Nivruti Dhasal.	Member of Complainant Union	160	160	8157/18. Sr. No.-21	15/11/1968	42 Years	9957 2573 2046

Sr. No.	Name	Sr. No.- In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers D-16	Sr. No. List of 620 Workers U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
A-15.	Joseph Ratan Kharat.	Member of Complainant Union	170	170	8157/18. Sr. No.-22	10/09/1968	42 Years	7299 1224 7193
A-16.	Sharad Mohan Pawar.	Member of Complainant Union	278	278	8157/18. Sr. No.-23	25/05/1958	52 Years	9762 4167 7248
A-17.	Manik Sambhaji Bankar.	Member of Complainant Union	87	87	8157/18. Sr. No.-24	1959	51 Years	9533 7615 6146
A-18.	Bhagwan Shripati Gade.	Member of Complainant Union	233	233	8157/18. Sr. No.-25	30/06/1972	38 Years	2801 6420 0497
A-19.	Dadu Gangaram Shinde.	Member of Complainant Union	279	279	8157/18. Sr. No.-26	01/01/1950	60 Years	3298 9425 6281
A-20.	Arjun Govind Salve.	Member of Complainant Union	195	195	8157/18. Sr. No.-27	17/05/1965	45 Years	6058 3445 1636

21. The perusal of the details filed by Advocate Shri A. Menon, in respect of "Group – A" Applicants at Sr. No.- A-01 – to - A-20, with Pursis Exh.- UA-11 reveals that, the said Group of 20 Employees are having their names in Seniority List at Exh.- C-16, Exh.- U-51. Said Group Employees have filed Writ Petition No.- 8157/2018 before Hon'ble Bombay High Court. Said Employees have also mentioned their Aadhar Number to

establish their identity. So also the Applicants at Sr. No.- A-10; A-16; A-17 & A-19, have crossed the Age of 50 Years.

22. Respondent Municipal Corporation have filed its Reply at Exh.- C-38 in respect of 20 Applicants, Represented by Advocate Shri Akash Menon, covered by Application Exh.- UA-4. It is stated by the Respondent Municipal Corporation that, the Group of 20 Applicants are the Petitioners and their Names are mentioned in Seniority List at Exh.- C-16 and Exh.- U-51. The Respondent Municipal Corporation further stated that, having or not having the Names of the Applicants in Annexure to the Complaint (ULP) No.- 134/2007 will not stop them for recruitment, as their Names are in the Seniority List at Exh.- C-16, which is said to have been finalized by this Court, in this Complaint (ULP) No.- 134/2007 and they are also befitting the criteria decided by Hon'ble Bombay High Court. The Respondent Municipal Corporation further stated that, they have No Objection for passing Appropriate Order in respect of Employees named in Application UA-4, provided, they are eligible for other recruitment criteria.

23. The "Group – B", of 8 Applicants (Application Exh.- UB-4) represented by Advocate Shri Sandeep Kocharekar, vide Pursis Exh.- UB-11 have submitted the details of the Applicants at Sr. No.- B-01 – to – B-08, as under :-

Sr. No.	Name	Sr. No.- In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers Exh. C-16	Sr. No. List of 620 Workers Exh.U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
B-01.	Ramesh Vitthal Ranadive.	Member of Complainant Union	86	86	7676/19 Sr. No.- 1.	28-03-1965.	44 Years	5360 2630 0700
B-02.	Ashok Tanaji Borage.	- do -	76	76	7676/19 Sr. No.- 2.	06-01-1962.	48 Years	2345 1891 6232
B-03.	Manohar Balu Tupe.	- do -	90	90	7676/19 Sr. No.- 3.	01-06-1966.	43 Years	3211 4072 7405
B-04.	Navnath Narayan Gade.	-do-	253	253	7676/19 Sr. No.- 4.	01-06-1962.	48 Years	2452 0269 3616
B-05.	Sanjay Sambhaji Baviskar.	-do-	8	8	7676/19 Sr. No.- 5.	09-09-1970.	39 Years	7608 3455 5204
B-06.	Anand Narayan Dolas.	-do-	183	183	7676/19 Sr. No.-6.	27-02-1967.	43 Years	6915 2399 3127
B-07.	Baliram Dhondurao.	-do-	139	139	7676/19 Sr. No.-8	01-06-1962	47 Years	8999 8377 8530
B-08.	Sahebrao Bhau Gaikwad.	-do-	80	80	7676/19 Sr. No.-10	01-01-1968	42 Years	7278 9378 0596

24. The perusal of the details filed by Advocate Shri Sandeep Kocharekar, in respect of "Group – B" Applicants at Sr. No.- B-01 - to - A-08, with Pursis Exh.- UB-11 reveals that, the said Group of 8 Applicants are having their names in Seniority List at Exh.- C-16, Exh.- U-51. Said Group Applicants have filed Writ Petition No.- 7676/2019 before Hon'ble Bombay High Court. Said Employees have also mentioned their Aadhar Number to establish their identity. All the Applicants in "Group – B" are below the Age of 50 Years age.

25. Respondent Municipal Corporation have filed its Reply at Exh.- C-39 in respect of "Group – B", 8 Applicants, Represented by Advocate Shri Sandeep Kocharekar, covered by Exh.- UB-2. It is stated by the Respondent Municipal Corporation that, the Group of 8 Applicants are Petitioners and their Names are mentioned in Seniority List at Exh.- C-16 and Exh.- U-51. The Respondent Municipal Corporation further stated that, having or not having the Names of the Applicants in Annexure to the Complaint (ULP) No.- 134/2007 will not stop them from recruitment, as their Names are in the Seniority List at Exh.- C-16, which is said to have been finalized

by this Court, in this Complaint (ULP) No.- 134/2007 and they are also befitting the criteria decided by Hon'ble Bombay High Court. The Respondent Municipal Corporation further stated that, they have No Objection for passing Appropriate Order in respect of Employees named in Application Exh.- UB-2, provided, they are eligible for other recruitment criteria.

26. The "Group – C", of 20 – Applicants, at Sr. No.- C-01 - to - C-20 (Application Exh.- U-57-A), represented by Advocate Shri K. I. Killedar, vide Pursis Exh.- U-92 have submitted the details as under :-

Sr. No.	Name	Sr. No. In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers C-16	Sr. No. List of 620 Workers U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
C-01.	Tulsiram Maruti Ghedmal.		171	171	2843/2023	21-06-1972	38 Years	5789 9506 0472
C-02.	Harilal Jagdish Bhagwane.				2361/201 & 10225/2017	10-04-1974	37 Years	7124 2898 1765
C-03.	Sitaram Govind Salve (Kamble)		340	340		1971	39 Years	5141 8325 9422
C-04.	Gopal Lakhamiram		96	96		05-07-1969	42 Years	8480 0256 0459
C-05.	Raghunath Bahiru Pagare.		204	204	10225/2017 Sr. No.- 5.	01-06-1967	43 Years	4446 5593 8325

Sr. No.	Name	Sr. No. In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers C-16	Sr. No. List of 620 Workers U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
C-06.	Prabuddha Somnath Dhende.		22	22		12-12-1967	43 Years	8733 9069 8919
C-07.	Bhagwan Dagdu Angrakh.		52	52	10225/2017 Sr. No.- 7.	22-09-1971	39 Years	2971 6534 5982
C-08.	Jeetu Premchand Chotele.					01-05-1980	30 Years	3856 4421 7661
C-09.	Sharad Hiranman Ahire.		413	413		06-04-1967	43 Years	8824 8634 9627
C-10.	Raosaheb Gulabrao Kale.		116	116				
C-11.	Bhilaram Chida Karotiya.		193	193		1962	48 Years	9238 6922 9541
C-12.	Shobha Bhila Wagh.		312	312		1970	40 Years	7492 8993 4549
C-13.	Madhukar Y. Ubale.		31	31				
C-14.	Khandu Dada Unawane.		144	144		1972	38 Years	7313 1478 7360
C-15.	Rajendra Baliram Adakmol		186	186		01-01-1968	42 Years	7687 1076 5890
C-16.	Ramesh Babaji Jadhav.		513	513		01-12-1968	43 Years	2611 0921 2320
C-17.	Najukabai Nivruti Bharit.		343	343				

Sr. No.	Name	Sr. No. In Complaint (ULP) No. 134/2007	Sr. No. List of 5170 Workers C-16	Sr. No. List of 620 Workers U-51	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010	Aadhar No.
C-18.	Shashi Gopal Pandey.		180	180				
C-19.	Rajkumar Kishanlal		136	136		1968	43 Years	4532 0957 8863
C-20.	Gorakhnath Dashrath Pagare		147	147		1967	43 Years	5178 9283 8648

27. Perusal of the Chart, filed with List Exh.- U-92, of Group C Applicants, at Sr. No.- C-01 - to - C-20 (Application Exh.- U-57-A), filed by Shri K. I. Killedar Advocate, reveals that the Applicants at Sr. No.- C-03, C-04, C-06, C-08, C-09, C-10, C-11, C-12 to C-20 as per Amended Application at Exh.- U-57A have not shown as to which Writ Petition, they have filed before the Hon'ble Bombay High Court. So also, the Applicants at Sr. No. C-10, C-13, C-17 & C-18 have not disclosed their Date of Birth, age as on 25-01-2010, and Aadhar Number. As such, their age cannot be ascertained and their identity also cannot be established. Further the Applicants at Sr. No.- C-02 & C-08 do not even have their names in the Seniority List at Exh.- C-16

& U-51. Respondent Corporation vide Reply at Exh.- C-40, opposed the claim of these Applicants, in Group - C.

28. The "Group – D" of 94 – Applicants, at Sr. No.- D-01 - to - D-94 (Application Exh.- U-63) represented by Advocate Shri K. I. Killedar, vide Pursis Exh.- U-93 have submitted the details as under :-

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-01.	Krishna Raju Pujari.	32			2843/2023 Sr. No.- 38.	05-03-1978	36 Years	6173 6390 1585	88
D-02.	Roneet Rajendra More.	119			2843/2023 Sr. No.- 27.	11-12-1975	35 Years	5461 9255 2481	140
D-03.	Manoj Ganpat Jadhav.	103			2843/2023 Sr. No.- 8.	1976	35 Years	7823 3394 8628	231
D-04.	Mahendra Gajanan Patekar.	112			2843/2023 Sr. No.- 24.				137
D-05.	Hiraman Bhiku Gaikwad.	107			2843/2023 Sr. No.- 18.	1976	38 Years	7482 0470 5813	280
D-06.	Sudesh Chandrakant More.	113			2843/2023 Sr. No.- 21.	30-04-1976	35 Years	4073 9773 9030	119
D-07.	Sonali Ramdas More.	105			2843/2023 Sr. No.- 7.	1976	35 Years	9906 3311 0683	230

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-08.	Vasant Rajendra More.	117			2843/2023 Sr. No.- 30.	20-10-1978	33 Years	9944 0083 1824	140
D-09.	Suraj Manik Patil.	98			2843/2023 Sr. No.- 13.	21-05-1976	35 Years	3568 8139 2422	236
D-10.	Lata Bhima Bhote.	55			2843/2023 Sr. No.- 3.	05-02-1971	39 Years	5960 3235 6486	79
D-11.	Pushpa Babulal Dhanatole.	54			10225/2017	01-01-1976	35 Years	3108 9815 2114	78
D-12.	Padma Raju Bhandari.	78				19-02-1976	35 Years	2941 6351 1215	264
D-13.	Mallesha Marappa Mhetre.	79				12-06-1971	39 Years	8323 3893 4079	265
D-14.	Govardhan Hanumantha	60				01-01-1977	34 Years	2391 0683 7315	112
D-15.	Akash Raju Bhandari.	82				04-08-1999	10-Y 05-M 21-D	8990 2798 0915	269
D-16.	Parashuram Tayappa Dhangar.	59				12-03-1975	35 Years	7007 1056 5295	105
D-17.	Laxmi Mallesh Mhetre.	84				01-01-1976	36 Years	4462 8666 1706	271
D-18.	Nilesh Tukaram Phalke.	80				15-11-1970	40 Years	8305 7259 8102	266
D-19.	Sadanand Balkrishna Bhandari.	89				1972	38 Years	7061 7898 4090	295
D-20.	Someshekra Somappa.	83				01-01-1977	35 Years	2820 4910 8154	270

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-21.	Prashant Martand Bhoir.	34				14-09-1976	36 Years	9662 9188 9272	307
D-22.	Nandini Nandu Gaikwad.	35				03-04-1975	35 Years	5442 0297 5890	319
D-23.	Vinod Ananta Jadhav.	36				08-01-1975	35 Years	8273 4577 2090	321
D-24.	Amol Sanjay Khandare.	37				16-09-1976	36 Years	2827 2683 6820	320
D-25.	Sachin Shankar More.	38				-	-		250
D-26.	Bhaurao Ronu Tribhuwane.	39			10225/2017	25-10-1968	43 Years	4526 6861 3343	244
D-27.	Kalpna Ananta Bhalerao.				10225/2017				
D-28.	Shobha Ramsadad Yadav.	43				28-08-1982	29 Years	9094 3227 9672	8
D-29.	Ashok V. Shinde.	44				1976	35 Years	6886 5559 9522	83
D-30.	Yogesh Kashinath Gaikwad.	45				19-05-1978	34 Years	8999 3830 6111	49
D-31.	Krishana Pawar.	46							53
D-32.	Ananta Dattatray Gave.	47				01-06-1975	35 Years	4995 0311 3694	63
D-33.	Vinod Anant Bhalerao.	48			10225/2017	20-01-1980	31 Years	8622 9728 2979	70

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-34.	Kunda Ramdas Garud.	49			10225/2017	1972	39 Years	8633 7054 7131	71
D-35.	Anil Arun Pagare.				10225/2017	1980	31 Years	7538 8542 5311	72
D-36.	Ravi Ramdas Garud.	51			10227/2017	07-11-1988	39 Years	5072 2706 0126	73
D-37.	Amrapali Mukesh Dhage.	52			2843/2023 Sr. No.- 42.	06-03-1976	35 Years	3438 2504 1188	74
D-38.	Ujawala Siddharath Ughade.	53				1983	29 Years	9621 0125 4858	75
D-39.	Namrata Vinod Sakpal	93			2043/2023 Sr. No.- 34	1974	36 Years	3189 5874 3262	84
D-40.	Pramod Bhalerao.	57							99
D-41.	Nanda V. Tribhuwane.	58			2843/2023 Sr. No.- 4	01-06-1971	38 Years		228
D-42.	Dyaneshwar Yevhan Rakshe.	62			10225/2017	01-01-1976		4023 1801 7102	219
D-43.	Mangal Deepak Manohar	42			2843/2023 Sr. No.- 44	1976		5872 9170 9039	213
D-44.	Abhijeet Bhikaji Jadhav	64			10225/2017	12-06-1975		7930 9732 5909	214
D-45.	Latabai Babulal Kuche.	65				1971		8149 1121 0905	215
D-46.	Dilip Traymbak Chavan.	66			2843/2023 Sr. No.- 45	1975		2699 3368 9174	216

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-47.	Jeetu Premchand Chotele.	67				01-05-1980		3856 4421 7661	218
D-48.	Kautikrao Rambhau Gaikwad.	68			10225/2017	01-01-1977		6471 9904 8429	220
D-49.	Rajkiran Chandan Shiv.					1980		4223 9571 0507	322
D-50.	Menna Arun Ghegadmal					1972	39 Years	3019 8260 4850	323
D-51.	Manoj Pagare.				10225/2017	1978	33 Years	7515 0756 5880	331
D-52.	Ranjana Bandu Bhalerao.					1977	35 Years	4130 3457 5081	332
D-53.	Pandurang Sudam Kapure.					08-06-1973	38 Years	7320 7401 8188	335
D-54.	Rahul Kondiram Rokade.	73			10225/2017	29-01-1980	31 Years	8477 6656 5440	246
D-55.	Rama Sitaram Shele.					1970	40 Years	5055 2120 4955	308
D-56.	Subhash Hiralal Dhantole.					1978	33 Years	6835 8126 7251	317
D-57.	Arun Jamdhade.					1975	36 Years	5284 2138 7418	318
D-58.	Alaka More.	76				1976	36 Years	5357 3057 9387	249

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-59.	Mayur Pruthviraj Ranbhare.					22-11-1972	39 Years	2499 1755 4322	48
D-60.	Sushant Shashikant Ahire.					18-02-1976	36 Years	5777 9759 4502	92
D-61.	Rajendra R. Chavan.					1970	40 Years	6425 4299 6269	223
D-62.	Baliram Gangaram Pachore.		33	33		04-01-1964	45 Years	3584 4584 7544	C-16-33
D-63.	Kapildev Y. Gaikwad.	86				27-11-1970	40 Years	7442 5411 7553	52
D-64.	Rekha Sunil Pagare.	69				14-11-1975	36 Years	8171 6739 2134	221
D-65.	Nana Dagad Bhalerav.		91	91		01-01-1971	39 Years	5262 1878 3170	C-16-91
D-66.	Mahendra Appa Jadhav.					19-05-1984	26 Years	5444 9167 5067	54
D-67.	Vinod Anupsing Utwal.		271	271					C-16-271
D-68.	Sahadev Sarjerao Gavhane.					01-01-1975	36 Years	2503 4837 4291	267
D-69.	Sashikla Vijay Palem.	72							225
D-70.	Sangita Shahadev Gavhane.	87				01-01-1977	34 Years	8503 4164 1545	268
D-71.	Pramod Shankar Hiwale.	102			2843/2023 Sr. No.- 06	22-11-1975	35 Years	6818 8087 1369	229

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-72.	Swapnali Sanil Yelwe.	101			2843/2023 Sr. No.- 11	1975	35 Years	4312 0039 5299	232
D-73.	Jignesh Waman Gaikwad.	99			2843/2023 Sr. No.- 10	1975	35 Years	6437 1998 3364	233
D-74.	Swapnil Sudam Mohite.	100			2843/2023 Sr. No.- 11	24-08-1976	36 Years	2228 0167 3467	234
D-75.	Umesh Shivram Dhuri.	97			2843/2023 Sr. No.-12	03-08-1976	36 Years	6292 3444 9315	235
D-76.	Veena Vinod Shelar.	108			2843/2023	01-06-1976	36 Years	4683 8792 1400	237
D-77.	Archana Sachin More.	104			2843/2023	02-02-1976	36 Years	3421 4393 7643	239
D-78.	Akshay Vijay Sonawane.	106			2843/2023	1976	35 Years	6295 9669 7154	115
D-79.	Umesh Shrirang Waghmare.	109			2843/2023	05-06-1978	43 Years	5782 8725 4616	117
D-80.	Malhari Pattu Vishe.	111			2843/2023	03-01-1975	36 Years	2583 6043 0413	120
D-81.	Sunil Chandrakant More.	110			2843/2023	03-02-1978	43 Years	8698 2682 2445	136
D-82.	Dinesh Mahendra Patekar.	114			2843/2023	15-12-1978	43 Years	5303 7305 1830	138
D-83.	Mangesh Siddharth Jadhav.	115			2843/2023	03-12-1978	43 Years	6460 7294 0564	139
D-84.	Sanket Vasant Bhoir.	91			2843/2023	25-06-1980	31 Years	5865 0881 0252	141
D-85.	Vinod Sawlaram Gurav.	116			2843/2023	02-08-1978	43 Years	8894 3347 4485	142

Sr. No.	Name	Sr. No.- In C.(ULP) No. 134/07	Sr. No. List of 5170 Workers C-16.	Sr. No. List of 620 Workers U-51.	Writ Petition No. And Petitioner No.	Date of Birth.	Age on 25-01-2010.	Aadhar No.	Seniority In The List of 4933 Workers Filed By Corporation Before I.O.
D-86.	Arun Sudhir More.	33			2843/2023	01-07-1978	43 Years	9395 9727 3099	144
D-87.	Yashpal Ramesh Gandhale.	92			2843/2023	20-01-1978	43 Years	8840 0291 6763	145
D-88.	Namrata Vinod Sakpal.	93			2843/2023				84
D-89.	Kavita Pandharinath Ghodke.	94			2843/2023	25-02-1978	43 Years	9665 7802 0968	85
D-90.	Santosh Pandharinath Ghodke.	118			2843/2023	10-06-1975	35 Years	4765 7386 7155	86
D-91.	Prasanjit Shivaji Kasbe.	120			2843/2023	12-07-1975	35 Years	9938 3212 3231	87
D-92.	Pravin Suryakant Gaikwad.	95			2843/2023	1976	35 Years	6753 7090 7324	89
D-93.	Devidas Dagdu More.	96			2843/2023	01-02-1976	35 Years	2729 6448 1046	90
D-94.	Ganesh Dattu Jadhav.				2843/2023	13-12-1975	36 Years	4932 2891 9760	91

29. Perusal of the Chart, filed with List Exh.- U-93, filed by Shri K. I. Killedar Advocate, in respect of "Group – D" Applicants at Sr. D-01 to D-94 (Application Exh.- U-63), reveals that the Applicants at Sr. No.- D-01 - to - D-61, D-63, D-64, D-66, D-68 - to - 94 do not have their names in the Seniority List

at Exh.- C-16 & 51. Applicants at Sr. No.- D-12 - to - D-25, D-28 - to - D-32, D-38, D-40, D-45, D-47, D-49, D-50, D-52, D-53, D-55 - to - D-70, are not the Petitioners before the Hon'ble Bombay High Court. The Applicants at Sr. No.- D-04, D-25, D-27, D-31, D-41, D-67, D-69, D-88, do not have their Aadhar Number, and their identity cannot be established.

30. This Complaint (ULP) No.- 134 of 2007, is restored, as per the directions of the Hon'ble Bombay High Court, in the Writ Petition No.- 10225 of 2017; 8157 of 2018; 7676 of 2019 and 2843 of 2023. As such, with due respect to the directions of the Hon'ble Bombay High Court, I am of the view that the Applications for directions to Respondent Municipal Corporation, for grant of Appointment on the Post of Safai Kamgar, can be entertained only for the Applicants, who were Petitioners before the Hon'ble Bombay High Court, in the Writ Petition No.- 10225 of 2017; 8157 of 2018; 7676 of 2019 and 2843 of 2023, and have filed Application before this Court, as per the directions of the Hon'ble Bombay High Court.

31. Ld. Counsel for the Respondent Municipal Corporation stated that the Respondent Corporation is having

its Recruitment Rules, which are known as – Ulhasnagar Municipal Corporation Recruitment and Classification Rules, 2015. It is stated that, Passing of Class – 4 Examination, ability to Read, Write and Speak Marathi is the Educational Qualification for the Post of Safai Kamgar. It is further stated that 33 Years is the Maximum Age Limit for recruitment. As such, the Ld. C.F. Respondent Corporation prayed for rejection of claim of all the Applicants who are not confirming the Condition of Education Qualification and of Age Limit.

32. Ld. Counsel for the Applicants have heavily objected the applicability of the Recruitment Rules of the Year 2015. It is the case of Applicants, that the eligibility of the Applicants have to be ascertained as on the date of 25-01-2010, that is the date of Order passed by this Court, in the Complaint ULP No.- 134 of 2007. I am of the view that the 2015 Recruitment Rules, cannot be made applicable retrospectively. Nothing is brought on record, as to what was the Recruitment Rules, on the date of 25-01-2010, for recruitment to the post of Safai Kamgar. As such, Applicants Candidature, cannot be rejected on the ground that they do

not possess, Educational Qualification and on the ground that they have crossed the Age Limit, as per 2015 Recruitment Rules. However it is highly improbable that there may not be the Upper Age Limit for recruitment to the post of Safai Kamgar, even as on 25-01-2010. So also, even if the Age Limit is crossed, then the Applicants shall be entitled to relaxation of the years of age during which the Applicants were in employment with the Respondent Corporation. Considering the long pendency of the litigation, grant of Age Relaxation up to the Age of 50 Years (as on 25-01-2010) shall serve the ends of justice. As such, I am of the view that the Applicants are entitled for being appointed, irrespective of the age criteria as per Recruitment Rules of the year 2015, up to the age of 50 Years as on 25-01-2010. As such all those Applicants who have crossed the Age of 50 Years, as on 25-01-2010, shall not be eligible for Appointment on permanent basis, on the Post of Safai Kamgar.

33. I further find that as per order dated 25-01-2010, passed by my Ld. Predecessor, in this Complaint ULP No.- 134 of 2007, the Applicants are to be granted Appointment as per

Seniority, as per Seniority List at Exhibit – C-16 and U-51. As such, I am of the view that the Applicants not having their Names in the Seniority List at Exh.- C-16 and U-51, shall not be entitled for being appointed on the Permanent basis with the Respondent Municipal Corporation.

34. Further some of the Candidates have not mentioned their Aadhar Number. As such their Age & identity cannot be established. As such, the Candidates not having Aadhar Number also cannot be directed to be appointed with the Respondent Municipal Corporation.

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

36. Perusal of the Chart With Pursis Exh.- UA-11, in respect of the "Group - A" Applicants at Sr. No.- A-01 - to - A-20 (Application Exh. UA-4), reveals that the Applicants at Sr. No.- A-10; A-16; A-17; and A-19; have crossed the Age Limit of 50 Years as on 25-01-2010. As such, the Applicants at Sr. No.- Sr. No.- A-10; A-16; A-17; and A-19; represented by Shri Akash Menon Advocate, are not entitled for any relief, and Application Exh.- UA-4, needs to be rejected in respect of "Group – A" Applicants at Sr. No.- A-10; A-16; A-17; and A-19.

37. Further perusal of the Chart With Pursis Exh.- UA-11, in respect of the "Group – A" Applicants at Sr. No.- A-01 - to - A-20 (Application Exh. UA-4), reveals that the Applicants at Sr. No.- A-01 – to - A-09; A-11 – to - 15; A-18; & A-20 are complying with all the norms. As such the Application Exh.- UA-4, needs to be allowed with directions to the Respondent Municipal Corporation, to grant appointment on permanent basis, with effect from 25-01-2010, on the post of Safai Kamgar, in respect of the Applicants ar Sr. No.- A-01 – to - A-09; A-11 – to - A-15; A-18; & A-20.

38. Perusal of the Chart With Pursis Exh.- UB-11, in respect of the "Group – B" Applicants at Sr. No.- B-01 - to - B-08 (Application Exh.- UB-4), reveals that the Applicants at Sr. No.- B-01 – to - B-08; are complying with all the norms. As such the Application Exh.- UB-4, needs to be allowed with directions to the Respondent Municipal Corporation, to grant appointment on permanent basis, with effect from 25-01-2010, on the Post of Safai Kamgar, in respect of the "Group – B" Applicants at Sr. No.- B-01 – to - B-08.

39. Perusal of the Chart With List Exh.- U-92, in respect of the "Group – C" Applicants at Sr. No.- C-01 - to - C-20 (Application Exh.- U-57-A), reveals that the Applicants at Sr. No.- C-02 and C-08; do not have their names in the Seniority List at Exh.- C-16 & U-51. Applicants at Sr. No.- C-03; C-04; C-06; C-08 to C-20; have not filed any Writ Petition before the Hon'ble Bombay High Court. Applicants at Sr. No.- C-10; C-17 and C-18 do not have Aadhar Card. As such, the Applicants at Sr. No.- C-02; C-03; C-04; C-06; C-08 - to - C-20; represented by Shri K. I, Killedar Advocate, are not entitled for any relief, and Application Exh.- U-57-A, needs to be rejected in that respect.

40. Further perusal of the Chart With List Exh.- U-92, in respect of the "Group – C" Applicants at Sr. No.- C-01 to C-20 (Application Exh.- U-57-A), reveals that the Applicants at Sr. No.- C-01; C-05; C-07; are complying with all the norms. As such the Application Exh.- U-57-A, needs to be allowed with directions to the Respondent Municipal Corporation, to grant appointment on permanent basis, with effect from 25-01-2010, on the post of Safai Kamgar, in respect of the "Group – C" Applicants at Sr. No.- C-01; C-05; and C-07.

41. Perusal of the Chart With List Exh.- U-93, in respect of the "Group – D" Applicants at Sr. No.- D-01 - to - D-94 (Application Exh.- U-63), reveals that the Applicants at Sr. No.- D-01 - to - D-61; D-63; D-64; D-66; D-68 – to - D-94; do not have their names in the Seniority List at Exh.- C-16 & U-51. Applicants at Sr. No.- D-12 – to – D-25; D-28 – to – D-32; D-38; D-40; D-45; D-47; D-49; D-50; D-52; D-53; and D-55 – to – D-70; have not filed any Writ Petition before the Hon'ble Bombay High Court. Applicants at Sr. No.- D-04; D-25; D-27; D-31; D-40; D-41; D-67; D-69; and D-88; do not have Aadhar Card. As such, the Applicants at Sr. No.- D-01 - to – D-94; represented by Shri

K. I, Killedar Advocate, are not entitled for any relief, and Application Exh.- U-63, needs to be rejected in entirety, for the reasons stated hereinabove.

42. I found hereinabove that, some of the Applicants are entitled for Appointment on permanent basis w.e.f. 25-01-2010. However, nothing is brought on record that, the Applicants are in Employment since the date of 25-01-2010. As such, the Applicants shall not be entitled for actual wages from the Respondent Corporation, for the period from 25-01-2010 till the date of actual joining and performing work as per this Order. Applicants shall only be entitled for Continuity of Services from the date of 25-01-2010 till the date of their respective joining as per this Order and latter till their respective Superannuation as per Service Rules and shall also be entitled for Service Benefits, as if they were in Employment since 25-01-2010 till the date of their Retirement, except the actual wages for the period from 25-01-2010 till the date of their actual joining, as per this Order.

43. It is further made clear that the Applicants are found to be entitled to Appointment on permanent basis on

the basis of the information furnished by them and on the basis of the xerox copies of the Aadhar Card. As such, in case of doubtful claims, liberty is required to be granted to the Respondent Municipal Corporation to verify the Originals of the Applicants, to verify Applicants Personal identity, Aadhar Card, Date of Birth, Age, etc.

44. Applicants are found to be entitled for grant of Appointment on permanent basis. Respondents Municipal Corporation inspite of the Order dated 25-01-2010 passed by my Ld. Predecessor in this Complaint (ULP) No.- 134/2007, and also inspite of the Mediation Report dated 14-02-2014 in the Writ Petition No.- 7060/2010, and also inspite of the Consent Terms Order dated 27-06-2016 in the Writ Petition No.- 7060/2010, the Respondent Corporation have failed to grant Appointments to the eligible Applicants. As such, the Respondents No.- 1, 2 and 3 are engaged in Unfair Labour Practice, covered by Item - 9 of Schedule - IV of the MRTU & PULP Act. As such, the Respondents needs to be directed to cease and desist from committing and continuing the Unfair Labour Practice found herein above. Respondents further

needs to be directed to grant Appointment within stipulated time period, to the Applicants, who are found to be eligible. Accordingly, Issues are answered and I proceed to pass the following Order -

-: O R D E R :-

- i.** Complaint (ULP) No.- 134 of 2007, is hereby Partly Allowed, in respect of the Applicants, as mentioned in Clause "v", "vi", & "viii" below.
- ii.** It is hereby declared that the Respondents are engaged in Unfair Labour Practice, covered by Item 9 of Schedule - IV of the MRTU & PULP Act, 1971.
- iii.** Respondents are hereby directed to cease and desist from committing and continuing the Unfair Labour Practices, complained off.
- iv.** Application Exh.- UA-4, filed by Shri Akash Menon Advocate, in respect of the "Group – A" Applicants, is hereby rejected in respect of the Four (4) Applicants namely - [01] (A-10) Shankar Daulat Bansode, [02] (A-16) Sharad Mohan Pawar, [03] (A-17) Manik Sambhaji Bankar, and [04] (A-19) Dadu Gangaram Shinde.

- v. Application Exh.- UA-4, filed by Shri Akash Menon Advocate, in respect of the "Group – A" Applicants, is hereby allowed in respect of the Sixteen (16) Applicants namely - [01] (A-01) Kalyan Gopal Ghoderao, [02] (A-02) Babasaheb Bhagwan Londhe, [03] (A-03) Gorakh Shankar Shinde, [04] (A-04) Abhimanya Bhimsen Kharat, [05] (A-05) Somnath Nana Ubale, [06] (A-06) Sarjerao Vishwanath Tapal, [07] (A-07) Vithal Rambhaji Borade, [08] (A-08) Sanjay Dadu Chandne, [09] (A-09) Ambadas Gangaram Mote, [10] (A-11) Dayanand Namdev Londhe, [11] (A-12) Anil Bhagwan Gaikwad, [12] (A-13) Santosh Laxman Alhat, [13] (A-14) Suryakant Nivruti Dhasal, [14] (A-15) Joseph Ratan Kharat, [15] (A-18) Bhagwan Shripati Gade, and [16] (A-20) Arjun Govind Salve.
- vi. Application Exh.- UB-4, filed by Shri Sandeep Kocharekar Advocate, in respect of the "Group – B" Applicants, is hereby allowed in respect of all the Eight (8) Applicants namely - (B-01) Ramesh Vitthal Ranadive, (B-02) Ashok Tanaji Borage, (B-03) Manohar Balu Tupe, (B-04) Navnath Narayan Gade, (B-05) Sanjay Sambhaji Baviskar, (B-06)

Anand Narayan Dolas, (B-07) Baliram Dhondu Rao, and (B-08) Sahebrao Bhau Gaikwad.

- vii.** Application Exh.- U-57-A, filed by Shri K. I. Killedar Advocate, in respect of the "Group – C" Applicants, is hereby rejected in respect of the Seventeen (17) Applicants namely [01] (C-02) Harilal Jagdish Bhagwane, [02] (C-03) Sitaram Govind Salve, [03] (C-04) Gopal Lakhamiram Chandaliya, [04] (C-06) Prabuddha Somnath Dhende, [05] (C-08) Jeetu Premchand Chotele, [06] (C-09) Sharad Hiranman Ahire, [07] (C-10) Raosaheb Gulabrao Kale, [08] (C-11) Bhilaram Chida Karotiya, [09] (C-12) Shobha Bhila Wagh, [10] (C-13) Madhukar Y. Ubale, [11] (C-14) Khandu Dada Unawane, [12] (C-15) Rajendra Baliram Adakmol, [13] (C-16) Ramesh Babaji Jadhav, [14] (C-17) Najukabai Nivruti Bharit, [15] (C-18) Shashi Gopal Pandey, [16] (C-19) Rajkumar Kishanlal, and [17] (C-20) Gorakhnath Dashrath Pagare.

- viii.** Application Exh.- U-57-A, filed by Shri K. I. Killedar Advocate, in respect of the "Group – C" Applicants, is hereby allowed in respect of the Three (3) Applicants namely – [01] (C-01) Tulsiram Maruti Ghegadmal, [02] (C-05) Raghunath Bahiru Pagare, and [03] (C-07) Bhagwan Dagdu Angrakh.
- ix.** Application Exh.- U-63, filed by Shri K. I. Killedar Advocate, in respect of the "Group – D" Applicants, is hereby rejected in entirety respect of all the Ninety-Four (94) Applicants
- x.** Respondents are further directed to grant Appointment to all the eligible Applicants, as mentioned in Clause "v", "vi", & "viii" above, within a period of 60 days from the date of signing of this Order, failing which the Applicants shall be entitled for wages, in the Regular Pay Scale, applicable to the Post of Safai Kamgar, as if the Applicants are appointed and are performing the work of Safai Kamgar.

- xi.** Respondents are directed to appoint and to pay Wages to all the eligible Applicants, as mentioned in Clause “v”, “vi”, & “viii” above within stipulated time of Sixty days from the date of signing of this Judgment, and in event of failure on the part of Respondent Corporation to appoint the Applicants and to pay Wages, the Applicants shall be entitled to Wages against the Respondents along with Interest @ 10 % p.a. from the date of the Wages becoming due and payable.
- xii.** Applicants in Clause “v”, “vi”, & “viii” above shall not be entitled for actual wages from the Respondents for the period from 25-01-2010 till the date of actual joining and performing work as per this Order.
- xiii.** Applicants in Clause “v”, “vi”, & “viii” above shall only be entitled for Continuity of Services from the date of 25-01-2010 till the date of their respective joining as per this Order and latter till their respective Superannuation as per Service Rules and shall also be entitled for Service Benefits, as if they were in Employment since 25-01-

2010 till the date of their Retirement, except the actual wages for the period from 25-01-2010 till the date of their actual joining, as per this Order.

xiv. Liberty granted to the Respondent Corporation to verify the authenticity of the Applicants, in case of doubtful claims, in respect of Personal identity, Aadhar Card, Date of Birth, Age, etc., of the Applicants.

xv. No Orders as to Costs.

Date :-

31-01-2025.

Place :- Thane.

(S. Z. Sonbhadre)

Member

Industrial Court, Thane

Argued On - :- 28-01-2025.

Dictated On - :- 31-01-2025.

Typed On - :- 01-02-2025.

Checked & Signed On :- 03-02-2025.

R Raut/-