

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**925 WRIT PETITION NO.2087 OF 2016
WITH WP/3008/2016 WITH WP/3016/2016 WITH WP/4198/2016
WITH WP/4199/2016 WITH WP/3015/2016 WITH WP/3011/2016
WITH WP/3017/2016 WITH WP/4202/2016 WITH WP/4203/2016
WITH WP/4201/2016 WITH WP/4197/2016 WITH WP/4200/2016
WITH WP/3012/2016 WITH WP/3005/2016 WITH WP/3010/2016
WITH WP/3014/2016 WITH WP/3007/2016 WITH WP/3006/2016
WITH WP/3013/2016 WITH WP/3018/2016 WITH WP/2089/2016
WITH WP/3009/2016 WITH WP/2091/2016 WITH WP/2096/2016**

**YUVRAJ SANTRAO BHOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Patil N.P. Jamalpurkar
AGP for Respondent Nos.1 to 6 : Mr. S.B. Yawalkar
Advocate for Respondent No.7 : Mr. A.T. Jadhavar
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 09th DECEMBER, 2021

PER COURT:-

1. Shri Jadhavar waives service of notice on behalf of all the NGO's in all these matters. Shri Jadhavar, the learned advocate representing respondent no.7 submits that on the next date, he would keep the records pertaining to the registration of respondent no.7 and appropriate permission received from the government for operating the Balgruha by name Shriram Balgruha, available.

2. The learned advocate for the petitioners has drawn our attention to the judgment delivered by this Court dated 08.04.2005 at the Principal Seat in Writ Petition No.990 of 1993 filed by Malan Karale

and 3 others Vs. Ms. Aloo Chibber and 6 others, wherein this Court concluded that the doctrine of equal pay for equal work would be squarely applicable to the employees working in the Children's Home/ Balgruha. He further submits that the said judgment was challenged by the State before the Hon'ble Apex Court in Special Leave to Appeal (Civil) No.1136 of 2006, which was dismissed by order dated 24.01.2011.

3. He then points out that a Government Resolution dated 18.03.2014 was introduced by the Women and Child Development Department, Government of Maharashtra for taking care of the employees working in the Children's Aid Society Operated Child Welfare Nagri, Mankhurd. In this government resolution as well, the pay scales were made applicable and grants were provided.

4. He then draws our attention to a judgment dated 02.05.2014 delivered by this Court at Aurangabad in Writ Petition No.2861 of 2012 filed by Maharashtra Mahila Prashikshan Bal Sadan, Balak Ashram, Balgruha Swayanasevi Sanstha Chalak Sangh, Latur Vs. The State of Maharashtra and Others and connected petitions, wherein this Court had directed the Chief Secretary of the State of Maharashtra to convene a joint meeting of the Principal Secretary of Women and Child Development Department and the Principal Secretary of Finance Department of State of Maharashtra in view of the observations made in the judgment delivered in Writ Petition No.990 of 1993 dated 08.04.2005.

5. Shri Patil, therefore, submits that in the meeting held on 26.05.2014, pursuant to the above directions, wherein the Chief Secretary has opined that the suggestions of the Commissioner, Women and Child Development Department, Pune with regard to the salary structuring of the employees working in the NGO, Child Welfare Homes, is not binding on the State.

6. Considering the above, we expect the learned AGP to take specific instructions as to whether the above referred judgments in which the pay structuring of employees working in NGO operated Child Welfare Homes should be at par with the employees of the State Government, whether the principle of equal wages for equal work should be made applicable or not and whether the Government would sanction salary grants to such Balgruha? We would appreciate if a short affidavit is filed or even tendered across the bar on 17.12.2021.

7. List this petition on 17.12.2021 at 02.30 pm.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)