



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

**940 CIVIL APPLICATION NO. 3444 OF 2024
IN WP/5841/2012**

**BHIMRAJ MAGAN SHINDE
VERSUS
TRYSEM AND MINI ITI EMPLOYEES UNION THR MEMBER AND ORS**

.....

**WITH
CIVIL APPLICATION NO. 2761 OF 2024
IN WP/5841/2012
TRYSEM AND MINI ITI EMPLOYEES UNION THR ITS MEMBER VINOD
BHASKAR SHIRSALE
VERSUS**

STATE OF MAHARSHTRA AND ANR

.....

**WITH
WRIT PETITION NO. 614 OF 2003
SHAIKH GULAM NABI SK.HASAN AND ANR
VERSUS**

STATE OF MAHARASHTRA AND ORS

.....

**WITH
CIVIL APPLICATION NO. 8636 OF 2018
IN WP/5841/2012
TRYSEM AND MINI ITI EMPLOYEES UNION THR MEMBER
VERSUS**

THE STATE OF MAHARSHTRA AND ANR

.....

**WITH
WRIT PETITION NO. 10424 OF 2012
THE PROJECT DIRECTOR, ZILLA GRAMIN VIKAS YANTRANA,**

OSMANABAD AND ORS
VERSUS

SUHAS BHIMASHANKAR KUPADE AND ORS

.....

WITH

WRIT PETITION NO. 1222 OF 2017

THE PROJECT DIRECTOR ZILLA GRAMIN VIKAS YANTRANA OSMANABAD
AND ANOTHER

VERSUS

TULSHIRAM GANGARAM KARDE AND OTHERS

.....

WITH

WRIT PETITION NO. 5841 OF 2012

TRYSEM AND MINI ITI EMPLOYEES UNION THR MEMBER

VERSUS

THE STATE OF MAHARSHTRA AND ANR

Mr. S. V. Dixit, Advocate for the Applicant
Mr. P. K. Lakhotiya, AGP for the Respondent/State

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 19th April, 2024

PER COURT :-

ORDER BELOW CIVIL APPLICATION NO. 3444 OF 2024

1. The learned Advocate for the Petitioner submits on instructions that the Civil Application No. 3444 of 2024, need not be kept pending since the name of the Applicant is already found in the array of Petitioners. **This Civil Application is, therefore, disposed off.**

ORDER BELOW CIVIL APPLICATION NO. 8636 OF 2018

2. In Civil Application No. 8636 of 2018, the Petitioner prays for continuation of the services of the members of the Applicant Union as per the policy decision of the State Government dated 15th December, 2016. Considering the status quo order passed by this Court on 13th July, 2018, some employees have been continued. The learned Advocate Mr. Dixit submits that some employees are in service and some are not in service.

3. Since some are in employment, the Civil Application need not be kept pending. **This Civil Application is disposed off.**

ORDER BELOW CIVIL APPLICATION NO. 2761 OF 2024

4. In Civil Application No. 2761 of 2024, it is prayed that Respondent No.1 be directed to order the Zilla Parishad and the District Rural Development Agency to absorb the services of the employees on vacant posts in Primary Health Centres of Zilla Parishad or any other vacant posts, in the Zilla Parishad similar to the appointment orders issued in favour of employees working in TRYSEM Centre, Osmanabad.

5. If an order of absorption is passed on a Civil Application just because there are vacant posts, the Petition would virtually stand allowed without any hearing. Instead, we deem it appropriate to let the

Zilla Parishad consider whether any of these applicants can be absorbed until the decision in the Writ Petition.

6. Prayer clause A has been put forth by the Applicant as under:

"A) That, the respondent No.1 be directed to further direct Zilla Parishad and District Rural Development Agency of all Zilla Parishads to absorb services of members of applicant union on vacant posts in primary health centers of Zilla Parishad or any other vacant posts in Zilla Parishad equivalent to appointment orders issued in favour of employees working in TRYSEM Centre Osmanabad."

7. The learned AGP submits that considering the prayer clause, a reply would be necessary. As such, let the reply be filed on or before 3rd May, 2024.

8. List this Civil Application on 10th May, 2024 in the 'urgent orders' category. Needless to state, interim protection granted earlier would continue.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp