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

WRIT PETITION NO.10975 OF 2017

Sunita Narayan Chaudhari & ors. ..PETITIONERS

VERSUS

State of Maharashtra & anr. ..RESPONDENTS

Mr P. V. Barde, Advocate for petitioners;
Mrs P. V. Diggikar, A.G.P. for respondent No.1;
Mr V. S. Bedre, Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATE : 23rd January, 2020

ORAL ORDER:

Heard Mr Barde, learned Counsel appearing on behalf of the petitioners.

2. The submission of Mr Barde is, in a series of litigation, the petitioners were successful in decision, wherein their claim was admitted, namely, for the regularization in service and regular payment/salary against the posts being occupied by them. It is also the submission of Mr Barde that all the petitioners are possessing the requisite qualification. He then submitted that in spite of availability of sufficient posts with respondent – Ahmednagar Municipal Corporation, Ahmednagar, on one or the other technical rider, the

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petitioners are not accommodated on these regular posts. It is also the submission of Mr Barde that the State Government, in its communication dated 8th May, 2017, which is impugned in the present petition, in clear terms directed respondent – Ahmednagar Municipal Corporation to pay minimum wages to the petitioners though there is opposition for regularization of these petitioners on the establishment of the Municipal Corporation.

3. Thus, in short, it is the submission of Mr Barde, learned Counsel for the petitioners that the petitioners are being deprived of their legitimate claim for minimum wages and as such, the matter requires expeditious attention and hearing and disposal of this Court.

4. It is also the submission of Mr Barde that the petition is filed in the year 2017 and in spite of granting opportunity to the State Government on various occasions, till date no reply is filed.

5. As we find some merit in the submissions of Mr Barde, learned Counsel for the petitioners, we direct the State Government to file affidavit-in-reply within a period of two weeks from today and serve the copy of same to learned Counsel for the petitioners as well as learned Counsel appearing on behalf of respondent – Ahmednagar Municipal Corporation.

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6. Even if the State Government fails to file affidavit-in-reply, this failure of the State Government would not preclude this Court from deciding the present petition on its own merits. As such, parties are put on notice that on next date, the present petition would be heard finally for disposal, if it is convenient to this Court.

Stand over to 13th February, 2020.

(R. G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

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