

**IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 6th OF NOVEMBER, 2023

WRIT PETITION No. 260 of 2023

BETWEEN:-

**DHEERAJ JAYASWAL S/O SHRI SWATANTRA
JAYASWAL, AGED ABOUT 27 YEARS,
OCCUPATION: DAILY WAGER TEMRIYA, NEAR
TEMPLE TEMRIYA, KHANDALAI JAGIR,
TEH.GANDHWANI (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THRU.PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT PALIKA BHAWAN JAWARA
COMPOUND INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 278 of 2023

BETWEEN:-

**PANKAJ KUMAR SOLANKI S/O SHRI RAMESH
CHANDRA SOLANKI, AGED ABOUT 37 YEARS,
OCCUPATION: DAILY WAGER WARD NO.5,
NEHARU PARK, POLICE LINE, MANAWAR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THRU.PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 279 of 2023

BETWEEN:-

BABAN KUSHWAH S/O SHRI RADHESHYAM KUSHWAH, AGED ABOUT 32 YEARS, OCCUPATION: DAILY WAGER R/O H.NO. 31, SINGHANA ROAD WARD NO. 1 MANAWAR DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 284 of 2023

BETWEEN:-

ANIL DAWAR S/O SHRI SUKHLAL DAWAR, AGED ABOUT 23 YEARS, OCCUPATION: DAILY WAGER MOHANKATIYAPURA, VILLAGE AWALDAMAN (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THRU. PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)
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ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)
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COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 285 of 2023

BETWEEN:-

RAHUL SHINDE S/O SHRI DINESH SHINDE,
AGED ABOUT 29 YEARS, OCCUPATION: DAILY
WAGER BHAGAT SINGH MARG, MANAWAR
DISTRICT DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH

GENERAL ADMINISTRATION
DEPARTMENT THROUGH PRINCIPAL
SECRETARY VALLABH BHAWAN,
DISTRICT BHOPAL. (MADHYA PRADESH)

2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT PALIKA BHAWAN JAWARA
COMPOUND INDORE (MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 286 of 2023

BETWEEN:-

VARUN SHRIVASTAVA S/O SHRI SANTOSH
SHRIVASTAVA, AGED ABOUT 22 YEARS,
OCCUPATION: DAILY WAGER R/O GANDHI
NAGAR BEHIND NW COURT MANAWAR DIST.
DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
PRINCIPAL SECRETARY VALLABH
BHAWAN BHOPAL (M.P.) (MADHYA
PRADESH)
2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT

DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)

3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 289 of 2023

BETWEEN:-

SANJAY CHOUHAN S/O SHRI BHUWAN SINGH
CHOUHAN, AGED ABOUT 38 YEARS,
OCCUPATION: DAILY WAGER R/O WARD NO. 7
NEAR SARASWATI SCHOOL MANAWAR DISTT.
DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
PRINCIPAL SECRETARY VALLABH
BHAWAN BHOPAL (M.P.) (MADHYA
PRADESH)
2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)
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COUNCIL MANAWAR, GANDHI NAGAR,

MANAWAR, DISTRICT DHAR (MADHYA PRADESH)

4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR, GANDHI NAGAR, MANAWAR, DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 291 of 2023

BETWEEN:-

UMMEHBEEBA KHAN D/O SHRI FAJLUREHMAN KHAN, AGED ABOUT 28 YEARS, OCCUPATION: DAILY WAGER WARD NO.13, NEAR RAM MANDIR, VINOBA MARGH, JUNI MANAWAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THRU.PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)
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ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
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MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,

MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 294 of 2023

BETWEEN:-

KAMAL PATIDAR S/O SHRI JAGDISH PATIDAR,
AGED ABOUT 39 YEARS, OCCUPATION: DAILY
WAGER SINGHANA ROAD, SEMALDA FATA,
MANAWAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THRU.PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)
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ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
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MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 296 of 2023

BETWEEN:-

UMESH MUVEL S/O SHRI FATESHSINGH MUVEL, AGED ABOUT 32 YEARS, OCCUPATION: DAILY WAGER PANCHAWATI COLONY MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH GENERAL ADMINISTRATION DEPARTMENT THROUGH PRINCIPAL SECRETARY VALLABH BHAWAN DISTRICT BHOPAL. (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 299 of 2023

BETWEEN:-

NITESH PATLARE S/O SHRI JAYANT PATLARE,

AGED ABOUT 31 YEARS, OCCUPATION: DAILY
WAGER DHAR ROAD. MANAWAR DISTRICT
DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THROUGH PRINCIPAL
SECRETARY VALLABH BHAWAN,
DISTRICT BHOPAL. (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)
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COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 300 of 2023

BETWEEN:-

AJAY RATHORE S/O SHRI GHAMANDI
RATHORE, AGED ABOUT 24 YEARS,
OCCUPATION: DAILY WAGER WARD NO.14,
HOUSE NO.18, DASHHARA MAIDAN, MANAWAR
(MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THRU. PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 302 of 2023

BETWEEN:-

RINKESH ISKE S/O SHRI DEVI SINGH, AGED
ABOUT 30 YEARS, OCCUPATION: DAILY
WAGER R/O KURADA KHAL BORUD DHAR
(MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH
PRINCIPAL SECRETARY VALLABH

BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)

2. **JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT INDORE DIVISION, PALIKA BHAWAN, JAWARA COMPOUND, INDORE (MADHYA PRADESH)**
3. **CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR, GANDHI NAGAR, MANAWAR, DISTRICT DHAR (MADHYA PRADESH)**
4. **PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR, GANDHI NAGAR, MANAWAR, DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 586 of 2023

BETWEEN:-

RAKSHARTH UPADHYAY S/O SHRI MANOJ UPADHYAYA, AGED ABOUT 23 YEARS, OCCUPATION: DAILY WAGER WARD NO. 14, SINGHANA ROAD, RUKMANI RESIDENCY, MANAWAR DISTT. DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
2. **JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA**

COMPOUND INDORE (MADHYA PRADESH)

3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 2128 of 2023

BETWEEN:-

BAPU SINGH BAGHEL S/O DEVI SINGH BAGHEL,
AGED ABOUT 52 YEARS, OCCUPATION: DAILY
WAGER R/O KASTHALI POST MANAWAR DHAR
(MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT INDORE DIVISION, PALKA BHAWAN, JAWARA COMPOUND, INDORE (MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR, MANAWAR DIST. DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL

**COUNCIL MANAWAR GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENTS

**(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)**

WRIT PETITION No. 2129 of 2023

BETWEEN:-

**HARIOM YOGI S/O PANDRINATH YOGI, AGED
ABOUT 38 YEARS, OCCUPATION: DAILY
WAGER MAIN ROAD. GRAM KALWANI
DISTRICT DHAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
GENERAL ADMINISTRATION
DEPARTMENT THROUGH PRINCIPAL
SECRETARY VALLABH BHAWAN,
DISTRICT BHOPAL. (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT PALIKA BHAWAN JAWARA
COMPOUND INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENTS

**(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)**

WRIT PETITION No. 2130 of 2023

BETWEEN:-

**DEVENDRA GURJAR S/O HARINARAYAN
GURJAR, AGED ABOUT 33 YEARS,
OCCUPATION: DAILY WAGER R/O 33 BLOCK
COLONY MANWAR DHAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
PRINCIPAL SECRETARY VALLABH
BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT INDORE DIVISION, PALIKA
BHAWAN, JAWARA COMPOUND, INDORE
(MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR,
MANAWAR DIST. DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENTS

***(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)***

WRIT PETITION No. 2131 of 2023

BETWEEN:-

**JITENDRA TAWAR S/O RAMESH TAWAR, AGED
ABOUT 30 YEARS, OCCUPATION: DAILY
WAGER R/O MANAWAR DHAR (MADHYA**

PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
PRINCIPAL SECRETARY VALLABH
BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN
ADMINISTRATION AND DEVELOPMENT
DEPARTMENT PALIKA BHAWAN JAWARA
COMPOUND INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENTS

**(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)**

WRIT PETITION No. 2138 of 2023

BETWEEN:-

**KUSUM BAI AWASYA W/O DEVENDRA AWASYA,
AGED ABOUT 35 YEARS, OCCUPATION: DAILY
WAGER R/O WARD NO. 7 RADHA RAMAN COLONY
MANAWAR DISTT. DHAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL**

(MADHYA PRADESH)

2. **JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)**
3. **CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**
4. **PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 2142 of 2023

BETWEEN:-

KRISHNA PAWAR S/O NARENDRA PAWAR, AGED ABOUT 23 YEARS, OCCUPATION: DAILY WAGER JAGANNATHPURA, MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH GENERAL ADMINISTRATION DEPARTMENT THROUGH PRINCIPAL SECRETARY VALLABH BHAWAN, DISTRICT BHOPAL. (MADHYA PRADESH)**
2. **JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)**
3. **CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR**

MANAWAR DISTRICT DHAR (MADHYA PRADESH)

- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL
MANAWAR GANDHI NAGAR MANAWAR
DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 2147 of 2023

BETWEEN:-

**RAVI SHRIVASTAV S/O ANAND PRASAD
SHRIVASTAV, AGED ABOUT 34 YEARS,
OCCUPATION: DAILY WAGER RADHRAMAN
COLONY WARD NO. 07 GANDHI NAGAR, MANAWAR
DISTRICT DHAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH GENERAL
ADMINISTRATION DEPARTMENT THROUGH
PRINCIPAL SECRETARY VALLABH BHAWAN,
DISTRICT BHOPAL. (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION
AND DEVELOPMENT DEPARTMENT PALIKA
BHAWAN JAWARA COMPOUND INDORE
(MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL
MANAWAR GANDHI NAGAR MANAWAR
DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 2152 of 2023

BETWEEN:-

**MAHENDRA MANDLOI S/O MAN SINGH MANDLOI,
AGED ABOUT 44 YEARS, OCCUPATION: DAILY
WAGER R/O KANDLAI POST TEHSIL MANAWAR
DISTT. DHAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION
AND DEVELOPMENT DEPARTMENT PALIKA
BHAWAN JAWARA COMPOUND INDORE
(MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR
MANAWAR DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL
MANAWAR GANDHI NAGAR MANAWAR
DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

*(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)*

WRIT PETITION No. 2156 of 2023

BETWEEN:-

**VISHAL MARKANDEY S/O SUSHIL MARKANDEY,
AGED ABOUT 26 YEARS, OCCUPATION: DAILY
WAGER WARD NO. 04 GOPALPURA ROAD.**

MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH GENERAL ADMINISTRATION DEPARTMENT THROUGH PRINCIPAL SECRETARY VALLABH BHAWAN, DISTRICT BHOPAL. (MADHYA PRADESH)**
2. **JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT INDORE DIVISION, PALIKA BHAWAN, JAWARA COMPOUND, INDORE (MADHYA PRADESH)**
3. **CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)**
4. **PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR, MANAWAR DIST. DHAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 2976 of 2023

BETWEEN:-

DEVENDRA KUSHWAHA S/O SHRI MAHESH KUSHWAHA, AGED ABOUT 26 YEARS, OCCUPATION: DAILY WAGER 36, VINOBHA MARG, WARD NO.12, JUNI MANAWAR, DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH GENERAL**

**ADMINISTRATION DEPARTMENT PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**

- 2. JOINT DIRECTOR URBAN ADMINISTRATION
AND DEVELOPMENT DEPARTMENT INDORE
DIVISION, PALIKA BHAWAN, JAWARA
COMPOUND, INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR GANDHI NAGAR,
MANAWAR (MADHYA PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL
MANAWAR GANDHI NAGAR, MANAWAR
(MADHYA PRADESH)**

.....RESPONDENTS

***(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI,
ADVOCATE FOR RESPONDENT No.3)***

WRIT PETITION No. 272 of 2023

BETWEEN:-

**SANTOSH GUPTA S/O SHRI KAILASH CHANDRA
GUPTA, AGED ABOUT 32 YEARS, OCCUPATION:
DAILY WAGER R/O WARD NO. 13, DARJI MOHALLA
PATEL MARG MANAWAR DHAR (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(M.P.) (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION
AND DEVELOPMENT DEPARTMENT PALIKA
BHAWAN JAWARA COMPOUND INDORE
(MADHYA PRADESH)**

3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 282 of 2023

BETWEEN:-

AJIT SHIROMANI S/O SHRI MANGILAL SHIROMANI, AGED ABOUT 28 YEARS, OCCUPATION: DAILY WAGER AMBIKA COLONY, MANAWAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH GENERAL ADMINISTRATION DEPARTMENT THRU.PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 288 of 2023

BETWEEN:-

RINKU SHRIVASTAVA S/O SHRI BABULAL SHRIVASTAVA, AGED ABOUT 39 YEARS, OCCUPATION: DAILY WAGER GANDHI NAGAR, MANAWAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH GENERAL ADMINISTRATION DEPARTMENT THRU.PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT 44 PALIKA BHAWAN JAORA COMPOUND INDORE (MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 292 of 2023

BETWEEN:-

**PRAKASH TANWAR S/O SHRISEETARAM TANWAR,
AGED ABOUT 39 YEARS, OCCUPATION: DAILY
WAGER BHARDOPUR, MANAWAR DISTRICT DHAR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH GENERAL
ADMINISTRATION DEPARTMENT THROUGH
PRINCIPAL SECRETARY VALLABH BHAWAN,
DISTRICT BHOPAL. (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION
AND DEVELOPMENT DEPARTMENT INDORE
DIVISION, PALIKA BHAWAN, JAWARA
COMPOUND, INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL
MANAWAR, GANDHI NAGAR, MANAWAR,
DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

***(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH
MANDLOI, ADVOCATE FOR RESPONDENT No.3)***

WRIT PETITION No. 293 of 2023

BETWEEN:-

**RAKESH SAVNER S/O SHRI RAM KISHN SAVNER,
AGED ABOUT 45 YEARS, OCCUPATION: DAILY
WAGER R/O 2, WARD NO. 7 BEHIND KANYASHALA
SCHOOL, MANAWAR DHAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 298 of 2023

BETWEEN:-

CHETAN TIWARI S/O SHRI RAJESH TIWARI, AGED ABOUT 33 YEARS, OCCUPATION: DAILY WAGER R/O WARD NO. 2, BEHIND NEHRU PARK MANAWAR DIST.DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE

(MADHYA PRADESH)

3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH MANDLOI, ADVOCATE FOR RESPONDENT No.3)

WRIT PETITION No. 301 of 2023

BETWEEN:-

MANISH KUSHWAH S/O SHRI PANNALAL KUSHWAH, AGED ABOUT 29 YEARS, OCCUPATION: DAILY WAGER WARD N. 12 VINOBA MARG, MANAWAR DISTRICT DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH GENERAL ADMINISTRATION DEPARTMENT THROUGH PRINCIPAL SECRETARY VALLABH BHAWAN, DISTRICT BHOPAL (MADHYA PRADESH)
2. JOINT DIRECTOR URBAN ADMINISTRATION AND DEVELOPMENT DEPARTMENT PALIKA BHAWAN JAWARA COMPOUND INDORE (MADHYA PRADESH)
3. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR DISTRICT DHAR (MADHYA PRADESH)
4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL MANAWAR GANDHI NAGAR MANAWAR

DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENTS

**(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH
MANDLOI, ADVOCATE FOR RESPONDENT No.3)**

WRIT PETITION No. 304 of 2023

BETWEEN:-

**DHARMENDRA VANKHEDE S/O SHRI MANOJ
VANKHEDE, AGED ABOUT 29 YEARS,
OCCUPATION: DAILY WAGER HARIJAN MOHALLA,
WARD NO.8, BHAGAT SINGH MARG, MANAWAR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ABHINAV DHANODKAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH GENERAL
ADMINISTRATION DEPARTMENT
THRU.PRINCIPAL SECRETARY VALLABH
BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**
- 2. JOINT DIRECTOR URBAN ADMINISTRATION
AND DEVELOPMENT DEPARTMENT INDORE
DIVISION, PALIKA BHAWAN, JAWARA
COMPOUND, INDORE (MADHYA PRADESH)**
- 3. CHIEF MUNICIPAL OFFICER MUNICIPAL
COUNCIL MANAWAR, GANDHI NAGAR,
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**
- 4. PRESIDENT IN COUNCIL MUNICIPAL COUNCIL
MANAWAR, GANDHI NAGAR, MANAWAR,
DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

**(BY SHRI MUKESH PARWAL, P.L./G.A. AND SHRI KAMLESH
MANDLOI, ADVOCATE FOR RESPONDENT No.3)**

.....
These petitions coming on for admission this day, the court

passed the following:

ORDER

Heard finally.

2] This order shall also govern the disposal of the other connected writ petitions as all of them have arisen out of same order dated 23.12.2022, whereby the services of the petitioners have been terminated.

3] In brief, the facts of the case are that these petitions have been filed by the petitioners, who are contractual employees, under Article 226 of the Constitution of India against the order dated 23.12.2022 passed by the respondent No.3 Chief Municipal Officer, Municipal Council Manawar, whereby, the services of the petitioners have been done away with on the ground of paucity of funds.

4] Counsel for the petitioners has submitted that for instance, Dheeraj Jaiswal, the petitioner in W.P. No.260/2023 was working since 2019 and was getting a salary of Rs.12,818/- and his services have been terminated without even issuing a show cause notice, and no opportunity of hearing has been provided to him. Counsel has also submitted that in similar circumstances, the co-ordinate Bench of this Court at Jabalpur in **W.P. No.22877 of 2022**, vide order dated **21.08.2023** has allowed the petition and has also held that financial difficulty cannot be a ground to terminate the services of contractual employees.

5] The petition is opposed by the counsel appearing for respondent No.3, Chief Municipal Officer, Manawar by filing a reply. A preliminary objection has also been raised by the counsel for the respondent No.3 stating that the petition is not maintainable as the petitioners must establish their rights under the provisions of Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act of 1947’) and the remedy under the Act of 1947 is the only remedy available to the petitioner and the petition cannot be entertained. It is also submitted that the petitioners’ services were purely contractual in nature and their services have been terminated only on account of the financial difficulties faced by the respondent No.3, and since the respondent No.3 does not require the services of the petitioners anymore and they were appointed only to carry out such work which was available in the Municipal Council at that time, no purpose would be served to keep their employment continued. It is also submitted that mere appointment of the petitioners on contractual basis gives them no right to continue in the service and on this ground also, this petition is liable to be dismissed.

6] In support of his submissions, counsel for the respondent No.3 has relied upon decisions rendered by the Supreme Court in the case of **Rajkumar, S/o Rohitlal Mishra Vs. Jalagaon Municipal Corporation** reported as (2013) 2 SCC 751 and **State of Uttarakhand and Another Vs. Raj Kumar** reported as (2019) 14 SCC 353. Thus, it is submitted that no case for interference is

made out and the petitions are liable to be dismissed.

7] Heard counsel for the parties and perused the record.

8] On perusal of the impugned order dated 23.12.2022 issued by the Chief Municipal Council, Manawar reveals that services of 55 daily wager employees have been terminated with immediate effect. Although no reasons have been assigned in this order, but it refers to another order dated 20.12.2022, issued by the Deputy Director, Nagariya Prashasan and Vikas Indore, Division Indore

9] On perusal of the order dated 20.12.2022 issued by the Office of the Deputy Director Nagariya Prashasan and Vikas Indore, Division Indore, it reveals that it is addressed to the Municipal Councils of Khargone, Dhar and Pithampur, and states that many councils have informed that as their establishment costs are more than 65% to 75%, hence, it is not possible for them to appoint any person on contractual basis, hence, it is directed that no daily wagers shall be appointed if the establishment charges are more than 65%-75% or where no workmen are required on contractual basis.

10] It is also found that so far as the reply filed by the Municipal Council is concerned, it is specifically pleaded that the petitioners are daily wagers and at the time of engagement of their services, no recruitment process/procedure was followed, nor names from the employment exchange were called and the petitioners were taken as per the requirement of the work on muster roll and the petitioners were also not engaged against any specific post nor have worked on

any specific post. It is also stated that mere proposal No.157 dated 08.06.2020 filed as Annexure-P/3 with the petition, does not create any right in favour of the petitioners and the same cannot in any way help the petitioners, as it clearly shows that the muster *karmi* are being re-engaged for work. It is also specifically pleaded that the expenditure of the establishment was more than 65%, therefore, there was no question of re-employment of the petitioners.

11] Heard. In the considered opinion of this Court, in such facts and circumstances of the case, the petitioners cannot force the respondent No.3 to keep them in service especially when the respondents are also facing financial problems and the petitioners' services were also temporary in nature. So far as the decision relied upon by counsel for the petitioners in **W.P. No.22877/2022** dated **21.08.2023** is concerned, it is found that in that case, only a resolution was passed to terminate the services of the petitioners and thus, the respondents were directed to give an opportunity of hearing to the petitioners whereas, in the present case the respondents have also relied upon the decision rendered by the Supreme Court in the case of *Rajkumar (supra)*, which, in the considered opinion of this Court deals with the issue raised by the petitioners in this petition, and although in the aforesaid case the Supreme Court has disposed of the appeal while directing the respondents to pay certain compensation to the employees, however, this Court is of the considered opinion that the petitioners can very well ventilate the grievance before the Industrial Court under the Industrial Disputes Act.

12] In such circumstances, no case for interference is made out and the petitions are liable to be **dismissed**, however, with liberty reserved to the petitioners to take recourse of the remedies as are available to them under law.

13] It is made clear that this Court has not reflected upon the merits of the case.

Accordingly, writ petitions stand *dismissed*.

(SUBODH ABHYANKAR)
JUDGE

Bahar