2026:BHC-AS:27753-

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8405 OF 2024

1. **Ravindra Keshav Bidkar,**
   Age: 58 years, Floor Assistant, State Institute of Educational Technology, Agarkar Marg, Pune 411 004, and R/at 29/1/1/13, Mauli Nagar, Katraj-Kondhwa Road, Katraj, Pune 411 046.

2. **Ramdas Govind Shendge,**
   Age: 60 years, Floor Assistant, State Institute of Educational Technology, Agarkar Marg, Pune 411 004, and R/at Post-Yawat Station, Tal: Daund, Pune 412 214.

…Petitioners

SHEPHALI SANJAY MORMARE

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~ versus ~

1. **Government of Maharashtra,**
   through Chief Secretary, Mantralaya, Mumbai 400 032.

2. **Government of Maharashtra,**
   through Principal Secretary, Finance Department, Mantralaya, Mumbai 400 032.

3. **Government of Maharashtra,**
   through Principal Secretary, General Administration Department, Mantralaya, Mumbai 400 032.

4. **Government of Maharashtra,**
   through Principal Secretary, School Education & Sports Department, Mantralaya, Mumbai 400 032.

5. **Commissioner Education,**

Maharashtra State, Central Building,
Pune 411 001.

6. **State Institute of Educational Technology,** through its Director, Agarkar Marg,
Pune 411 004
Maharashtra State Council of Education Research & Training (Vidya Parishad/ Pradhikaran), Sadashiv Peth,
Pune 411 030.

7. **Maharashtra State Council of Educational Research & Training,**
(Vidya Parishad/Vidya Pradhikaran), Sadashiv Peth, Pune.

...Respondents

APPEARANCES

For the Petitioners	**Mr Abhijeet A. Desai**, with Mr Digvijay S. Kachare, Ms. Mohini A. Repade, Mr Vijay Singh, Ms Daksha Punghera, Mr. Karan Gajra, Mr. Deepesh Ramrakhiani & Ashlyn Almeida, i/b Desai Legal LLP.
For Respondents-State	**Mr DB Khaire, Special Counsel**, with with Mr NC Walimbe, Addl. GP & Ms RM Shinde, AGP.

CORAM : SUMAN SHYAM &
SHYAM C. CHANDAK, JJ

RESERVED ON : 7th APRIL 2026.
PRONOUNCED ON : 7th JULY 2026.

JUDGMENT (*Per Suman Shyam, J)*:-

1. Rule. Rule is made returnable forthwith.

2. By consent of the parties, the matter is taken up for final hearing.

3. This Writ Petition has been filed by two Petitioners, viz., (1) Shri. Ravindra Keshav Bidkar and (2) Shri. Ramdas Govind Shendge, assailing the Judgment and Order dated 11th August 2023 passed by the learned Maharashtra Administrative Tribunal ("MAT") in Original Application No. 570 of 2017 as well as the Government Resolution ("GR") dated 31st May 2017. The facts and circumstances of the case, giving rise to the filing of the Writ Petition, in a nut-shell, are as hereunder.

4. It appears from the projections made in this Writ Petition that in the year 1982, the Central Government (Ministry of Education and Culture, Government of India) took a decision to establish State Institute of Educational Technology ("SIET") for providing research based children's educational film, DVDs under the INSAT scheme. These audio-visual contents were meant to be telecast in the Doordarshan for imparting education to the children. Accordingly, in the month of January 1982, meetings were held between the State Government of Maharashtra and the representatives of the Ministry of Education and Culture, Government of India, for establishment of SIET under the "INSAT for Education" Scheme, with hundred percent central funding,

which was to be provided initially for a period of five years. Facilitating the establishment of the SIET, vide Government Resolution dated 27th January 1984, 28 posts were created. Thereafter, vide Government Resolution dated 8th January 1985, another 92 posts were created, thus taking the total number of posts created for SIET to 120. Thereafter, advertisement notice, for filling up the posts was issued. Government Resolution dated 30th January 1985 paved the way for constituting a selection committee for recruitment in the Class-I and II, posts whereas, vide GR dated 28th May 1986, selection committee for appointment to the Class-III and IV was constituted. Thereafter, the Government had granted approval for establishing SIET ("Balchitravani"). On 31st October 1991, the SIET was accorded the status of an Autonomous Institution. On 5th February 1992, the "SIET" was registered as a society under the Societies Registration Act, 1860. By the G.R. dated 27th May 1986 the Head Office of the SIET was notified at Pune while the ET cell at Worli, Mumbai was made the sub-office. The employees were also given an option to get absorbed under the SIET.

5. It would be pertinent to note herein that the SIET had never received any grant in aid from the State Government but was entirely dependent on the funds coming from the Central Government. As such, the entire expenditure for running the SIET including funds for payment of salary and other dues of the staff and also for producing the audio-visual programs to be telecast in the "Doordarshan", came to be entirely borne by the Central Government. However, on 30th December 2002, the Central Government sought the response of the State Government, thus making an enquiry as to whether, it was willing to take over the responsibility of the institution. By the communication dated 14th January 2003, the State Government of Maharashtra had replied, expressing its inability to bear the expenses of the society (SIET). In the meantime (since the year 2003) the Central Government had stopped funding the SIET, as a result of which, the primary source of funding the institution got completely dried up. The SIET was therefore, left with no option but to generate its own funds and utilise the same for payment of salary and other expenses for running the institution.

6. For some time, the SIET succeeded in generating revenue through its various programs telecast through the Doordarshan. However, after sometime, the Doordarshan also stopped free telecast of the programs of "Balchitravani", as a result of which, the only source of revenue for the SIET also become unavailable. In the result, the institute could no longer pay the salary of its employees. Situated thus, 16 employees of the SIET had approached the Industrial Court at Pune, by filing Complaint (ULP) No. 242/2015 against the SIET and its authorities, *inter alia* contending that although they have been working under the SIET for the last 20 years, the Respondent No. 1 (SIET), which is an Autonomous Body, engaged in producing educational compact disk, has failed to pay the salary and wages to the complainants, since the month of April 2014. In the said complaints, it was alleged that non-payment of wages to its employees by the SIET amounts to unfair labour practice under Item 9 (of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices (MRTU & PULP) Act, 1971 which relates to 'Failure to implement award, settlement or agreement'). Therefore, the 16 complainants had sought a direction from the Industrial

Court, upon the Respondents to make payment of their wages along with the areas dues.

7. After taking note of the grievance expressed by the complainants, the learned Industrial Court had passed order dated 3rd November 2015 directing the Respondents (SIET) to pay the earned wages of the complainants within one month. The SIET and its authorities had assailed the order dated 3rd November 2015 by filing Writ Petition No. 1590 of 2016 before this Court. After hearing the parties, the learned Single Judge of this Court, by order dated 14th March 2016, had dismissed the Writ Petition by affirming the order of the Industrial Court. In paragraph 9 of the order dated 14th March 2016, the learned Single Judge has observed that the complainants/Respondents in the Writ Petition were working for the last 20 years as "workmen" and the Central Government had taken the liability to pay their salaries and wages for five years. It was therefore, observed that the SIET authorities cannot refuse to pay the salaries and wages of the Respondents (in that Writ Petition) on the ground that the Central Government has stopped paying grant to the State Government.

8. It appears from the material on record that in terms of order of the Industrial Court, as noted above, the employees of the SIET including the present petitioners were paid their arrears salaries and wages. Notwithstanding the same, due to want of resources, it had become impossible for the SIET to continue with its operations. As such, on 3rd April 2017, a decision was taken for closure of SIET due to want of resources. Consequently, the impugned GR dated 31st May 2017 was issued under section 25FFA of the Industrial Disputes Act 1947, closing the SIET, which resulted in termination of the service of all its employees including the Writ Petitioners.

9. Aggrieved by the GR dated 31st May 2017, as many as 21 employees of the SIET, including the present petitioners, whose services stood terminated and/or dispensed with pursuant to the closure of the SIET, had approached the MAT by filing Original Application No. 570 of 2017, which was dismissed by the learned Tribunal by the impugned Judgment and Order dated 11th August 2023. The aforesaid Judgment and order dated 11th August 2023 passed by the learned MAT along with the G.R. dated 31st May

2017 is being assailed by two of the Original Applicants named above, by filing the present Writ Petition.

10. The primary contention of the Original Applicants before the MAT was to the effect that the Central Government, having funded the SIET and their appointments having been made against the posts created by the State Government of Maharashtra carrying the same pay scale as other similarly situated Government employees, the Applicants were Government Servants for all practical purposes. Therefore, their services could not have been dispensed with by denying the benefits of pension, etc. which are payable to the similarly situated Government Servants. In other words, the Original Applicants claimed the status of Government servant, employed under the State Government of Maharashtra and accordingly, claimed retiral benefits at par with the State Government Servants. However, by the impugned Judgment and order dated 11th, August 2023, the learned MAT has rejected such contention of the Original Applicants.

11. Mr Desai, learned counsel appearing for the Writ Petitioners has argued that the 120 posts for SIET were created with the sanction of the Finance Department of Government of

Maharashtra. Various Pay Commissions' recommendations were also made applicable to the employees of the SIET, including the Petitioners through the various Government Resolutions, prescribing the same pay scales of the different posts including the post of Floor Assistant (Manch Sahayak), issued from time to time. The Respondents have also maintained Service Books of the Petitioners, recording every details of their service, including appointment, pay, increment, and leave. According to the learned counsel for the Petitioner, such Service Book is maintained only in respect of the Government Servants under the Maharashtra Civil Services Rules, 1981. Contending that the recruitment of the Petitioners were on the basis of the Advertisement dated 10th December 1986, issued by the Government wherein, it was mentioned that the State Government Rules would be applicable to such employees and the fact that the appointment of the Petitioners were pursuant to a regular selection process, Mr. Desai has argued that the procedure followed for recruitment of the Petitioners was the same as in the case of Government Employees, thus putting them at par with the State Government servant, therefore, the Writ Petitioners must be treated as Government servants for the purpose of the pension and other retiral dues.

12. The learned counsel for the petitioners has further argued that the services of the writ Petitioners were regularized by following the due process of law. Therefore, it cannot be denied that the Petitioners were under the employment of the State Government of Maharashtra for all intent and purpose. As such, having completed more than 30 years of continuous service, as per Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982, the Petitioners would be entitled to receive pension.

13. The learned counsel for the Petitioners has further argued that denial of parity of pay and other service benefits to the Petitioners, as extended to similarly situated State Government employees, would amount to violation of their fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India. Therefore, the present is a fit case where this Court may direct the Respondents to extend the benefit of pension to the Petitioners by treating them as employees in the service of the State Government.

14. To conclude his arguments, Mr. Desai had submitted that since the learned Additional Government Pleader has appeared on behalf of the SIET and its authorities in the present proceeding, hence, it is established beyond doubt that the SIET is nothing but

an integral part of the State Government of Maharashtra. He submits that, an Autonomous Body, independent of the control of the State, would not be represented by the Law Officer of the State, but by a private counsel.

15. While opposing the arguments advanced by the learned counsel for the Petitioners, Mr Khaire, learned Special GP, appearing for the Respondents has Submitted that the Petitioners were not appointed on the basis of the advertisement notice issued by the State Government, but their names were sponsored by the employment exchanges. In fact, it has been argued by Mr Khaire that neither the Petitioner No. 1 nor the Petitioner No. 2 had ever submitted applications in response to the advertisement notice issued by the Government for establishing the SIET. It is also his submission that the Petitioner No. 1, Shri RK Bidkar was appointed on temporary basis for a period of one year vide orders dated 18th May 1987, the Petitioners were appointed on temporary basis for a period of one year. On 13th October 1995, the Petitioner No. 1 was permanently absorbed in the SIET, which was an autonomous institution and, therefore, he was not made permanent by the

Government. Likewise, the Petitioner No. 2 was also absorbed in the SIET.

16. Mr. Khaire has further argued that the Petitioners were never appointed as employees in the service of the State Government at any point of time, but were all along under the employment of the SIET, which was an Autonomous Body. According to Mr. Khaire the service of the Petitioners, along with the other similarly situated employees, had to be dispensed with due to the closure of SIET which could not function anymore due to scarcity of funds. Under these circumstances, submits Mr Khaire, the learned MAT was wholly justified in dismissing the Original Applications while upholding the validity of Government Resolution dated 31st May 2017.

17. We have considered the argument made by the learned counsel for the parties and have also gone through the material available on record.

18. From the facts and circumstances of the case narrated herein above, it is evident that the basic case of the Original Applicants before the learned MAT was for recognizing them as Government

Servants, in the employment of the State Government of Maharashtra on permanent basis. However, the learned MAT was of the opinion that the Original Applicants, including the present Petitioners, were in the employment of an autonomous institution (SIET), which was established with 100% Central Government funding, with no financial participation from the State Government of Maharashtra. Therefore, they cannot be treated as Government Servants.

19. From a careful examination of the documents on record, we find that the SIET was established as a Society registered under the Societies Registration Act. This institution had all along enjoyed the status of an autonomous institution. The 120 number of posts, created by the Government Resolutions dated 27th January 1984 and 8th January 1985 were not under any administrative department of the State Government of Maharashtra but those were meant only for the SIET. It may be correct to say that the posts in SIET were created with the approval of the Finance Department of the Government of Maharashtra and the pay scale extended to its employee also matched that of similarly situated Government employees. It may also be the case that the assets and

the infrastructure, necessary for operationalizing the SIET were also provided by the State Government besides, sending some of its employees on deputation. However, that alone, in our considered opinion, would not be sufficient for this court to hold that the appointments of the Petitioners were against civil post created under the Government of Maharashtra so as to treat them as Government servants.

20. Whether the petitioners were appointed against vacant posts under the Government of Maharashtra or not would primarily depend on what is reflected in their order of appointment. It appears that vide order dated 18th May, 1987, issued by the Director of Vidya Parishad, Pune, the Petitioner No. 1 was appointed as Painter (Class-III) and the Petitioner No. 2 was appointed as Khalasi (Class-IV). There is nothing available on record to show that Vidya Parishad, Pune is a Government Department. Rather, it appears that Vidya Parishad was originally created under a Government Resolution issued by the School Education Department which commenced its operation in the year 1964 as State Institute of Education (SIE) with the object of streamlining primary education. It further appears that Vidya

Parishad, also known as “Maharashtra Vidya Pradhikaran , Pune” is a body corporate having a distinct and different entity from a State Government Department. Therefore, the Director of Vidya Parishad did not have the authority to issue appointment order in respect of any post in a Government Department.

21. On 25th May 1987, the Petitioners had accepted their appointment under the SIET. The temporary service of the Petitioners were later regularized in the SIET in the year 1987. The documents on record un-equivocally go to show that the Petitioners were appointed exclusively to serve under the SIET, which is a registered society. The SIET was later granted the status of an autonomous institution. It was only thereafter that the post of Director, SIET was created in the year 1989. The Petitioners were permanently absorbed as employees of the SIET after options were called from all the employees. The Writ Petitioners had never raised any protest regarding their permanent absorption under the SIET. It may be true that the SIET was an instrumentality of the State. But that alone would not confer the status of Government Servants on all its employees.

22. It must also be borne in mind that the service of the Petitioners were not terminated on any other ground but the same had to be discontinued/dispensed with as a consequence of closure of the SIET by invoking Section 25FFA of the Industrial Disputes Act, 1947. The SIET was closed by issuing the impugned Government Resolution dated 31st May 2017 wherein, it has been *inter-alia* noted that due to technological advancements and availability of alternative platform, there was no longer any need for a separate State Level Educational Technology Institute (Balchitravani), since the objective with which, 'Balchitravani' was established was now being fulfilled through technological advancements among the teachers and the digital schools, wherein the students are receiving effective and qualitative education. The operative part of the Government Resolution dated 31st May 2017 would be relevant in this case and, therefore, are being reproduced hereinbelow for ready reference:-

> "As per the opinion of the Department of Law and Justice and the Department of Finance, as well as the decisions taken in the meeting of the Governing Body held on April 3, 2017, it has been decided to close the State Institute of Educational Technology, Pune (Maalchitravani) and establish a new institution, e-Maalbharti.
>
> 1) Under Section 25 FFA of the Industrial Disputes Act, 1947, an establishment with less than 50 workers can be closed if it is in financial distress. Since the Children's

> Television Institution is in financial distress and there is no money left to meet the salaries and daily expenses of the employees, since this establishment has less than 50 workers, and since this establishment is in the process of industrialization, it is being closed with effect from the date of this judgment.
>
> 2) The employees working in the organization Balchitravani should be given one month's advance notice as per the Industrial Disputes Act, 1947 and all the employees should be made exempt from the daily wage from 31st May, 2017. Government Decision No. 2016/103/11/-.
>
> 3) The salaries of the employees of the Balchitvani Institute, as well as all the allowances and daily allowances, are being provided by the Balbharti Institute on a voluntary basis by making stories.
>
> 4) The administrative officer should take steps to transfer the organization of Balchitrvani, along with all the records of the Sarva Jang Galgat organization, to Balbharati, and the expenses incurred for reasons such as accommodation, security, etc. should be met from the funds available at Balbharati.
>
> 5) Once e-Balbharatis operational, employees of Balchitravani who are not working on the date of this government decision should be given priority without any condition if they fulfill the educational qualifications of the required posts specified for e-Baal Bharti at this time and if they participate in the selection process and are appointed on the basis of merit."

23. It would be relevant to mention herein that although it would not be possible to lay down exhaustive criteria so as to indicate as to what would constitute Government Service, yet, in order to qualify as a State Government Servant, a Master-Servant relationship between the employee and the State Government as the employer must be established. In case of Government Servants, the right to take disciplinary action or terminate the services of the

employee must be entirely in the control of the Government and the salary and wages of such employees must also be charged to the public exchequer, viz, the consolidated fund of the State. Apart from that, the employees must also be holding a civil post under the Government and their appointments must be made by following norms which fall within the domain of Article 309 of the Constitution of India.

24. Rule 2(b) of the Maharashtra Civil Service (Conduct) Rules, 1979 defines Government Servant in the State of Maharashtra as follows:-

> "*(b)* "Government servant" means any person appointed to any civil service or post in connection with the affairs of the State of Maharashtra, and includes a Government servant whose services are placed at the disposal of a company, corporation, organization, local authority or any other Government, notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State"

25. From the above definition, of Government Servant, it is apparent that Government Servant would include even the service of those persons at the disposal of a company, corporations or other authorities named therein. However, in order to come within the definition of Government Servant, their original appointment must of be in the Civil Service or to a post connected with the

affairs of the State. Persons who were never appointed in a Civil post in connection with the affairs of the State Government cannot claim to be "Government Servant" by relying upon Rule 2(b) of the Rules of 1979.

26. In the present case, as has been noted hereinabove, the Petitioners were all along under the employment of SIET, which is a registered society established with funds made available by the Central Government for a specified period. Therefore, their initial appointment were not in civil posts connected with the affairs of the State. The SIET had all along functioned as an autonomous institution under the control of an Executive/Administrative Committee. The SIET was no doubt a Government Undertaking and the State Government also had deep and pervasive control over the affairs of the SIET. However, there is nothing to indicate that the State Government of Maharashtra had provided any financial assistance to the SIET. The 120 posts in the SIET were evidently created by the Government Resolutions dated 27th January, 1984 and 8th January 1985, with the approval of the Finance Department. However, there was no indication in the relevant Government Resolutions that those posts will be treated as

posts under any administrative department of the Government of Maharashtra. Therefore, even if the Maharashtra Civil Services Rules, 1981 were made applicable to the employees of SIET, that by itself would not confer the appointees in those posts, with the status of Government servants, as has been claimed by the Petitioners.

27. There is yet another aspect of the matter which deserves mention herein. Pension is payable to a retired Government servant as per the provisions of Maharashtra Civil Services (Pension) Rules, 1982. However, in the present case, the Petitioners had not retired from service on attaining the age of superannuation. Rather, their services were dispensed with on the closure of the SIET by invoking the powers under Section 25FFA of the Industrial Disputes At, 1947. A Government servant, under the Maharashtra Civil Services (Pension) Rules, would be entitled to receive pension only upon fulfilling the conditions laid down in the Pension Rules and not otherwise. Since the Petitioners have not retired from service on attaining the age of superannuation, we are of the opinion that they do not fulfill the conditions of the Pension Rules. Therefore, the question of paying pension to the Petitioners,

under the Maharashtra Civil Services Rules, would not arise in the facts and circumstances of the case.

28. It is also to be noted herein that in the order dated 3rd November 2015 passed by the Industrial Court at Pune in Complaint (ULP) No. 242 of 2015 as affirmed by the Bombay High Court by order dated 14th March 2016, the Industrial Court has treated the Applicants therein as "Workmen". Although the present Petitioners/Original Applicants were not the Applicants in Complaint (ULP) No. 242 of 2015, yet, they were similarly situated employees of the SIET as the 16 Complainants in Complaint (ULP) No. 242 of 2015. The present Petitioners/Original Applicants had also received their arrear, salaries and other dues in terms of the Order dated 3rd November 2015 passed by the Industrial Court at Pune. The Writ Petitioners had accepted such benefits as workman. A workman as defined under Section 2(s) of the Industrial Disputes Act, 1947 is as follows:-

> "(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or

retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

29. The Petitioners had never disputed their status as workmen. Therefore, they cannot now turn around and claim the status of the permanent Government Employees as such a stand would be in marked contradiction to the stand taken by the Applicants in Complaint (ULP) No. 242 of 2015, where in the direction to pay the arrear salary and wages was issued by the Learned Industrial Court.

30. We have also noted that the order of regularization of service of the present Petitioners itself is based on the order of Industrial Court, Pune dated 28th September 2000 passed in Complaint (ULP) No. 127 of 1991 wherein, five Applicants including the present Petitioner No. 1 had approached the Industrial Court. Although Mr

Desai has argued that at the relevant point of time, the MAT was not in existence, as a result of which, the Applicant had no option but to approach the Industrial Court at Pune, yet, what cannot be lost sight of is the fact that the Applicants approaching the learned Industrial Court never claimed the status of permanent Government Employees at any point of time. Therefore, the Petitioners cannot now be permitted to take a totally contradictory stand in the matter at this distant point of time.

31. In so far as the plea raised by the Petitioners regarding the 6 (six) Government Employees in the service of SIET who were allegedly given the benefit of pension etc., is concerned, it is the specific case of the Respondents that those six employees were originally appointed in civil posts under the Government of Maharashtra prior to establishment of SIET and later on, they were sent on deputation to the SIET. Therefore, those six employees were not the employees of the SIET but State Government Employees. The Petitioners could not produce any cogent material to dislodge such stand of the Respondents. If that be so, the question of treating the Petitioners at par with those six State

Government Employees, in our considered view, would also not arise in the facts of the present case.

32. Finally, we would deal with the argument of the learned counsel for the Petitioner to the effect that the State Government, having promised to treat the Petitioners as State Government employees, cannot now resile from such promise and take a stand that the Petitioners were never employed as Government servants as such a stand would be hit by the doctrine of promissory estoppel. In support of his above argument, Mr. Desai has placed reliance on ***Motilal Padampat Sugar Mills Co. Ltd. Vs State of Uttar Pradesh & Ors.***[1] Here also, we are unable to agree with the submissions of the learned counsel for the Petitioners. Merely because it was indicated that the Maharashtra Civil Services Rules, 1981 would be applicable to the employees of the SIET and only on account of the fact that the posts created under the SIET carried the similar pay scale as the other similarly situated Government employees and the pay revisions from time to time were also similar in nature, cannot be sufficient ground to constitute a promise by the State to the Petitioners to treat them as

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1 (1979) 2 SCC 409.

Government Servants, by an extension of the principles of *Promissory Estoppel.*

33. As noted above, in order to establish their status as Government Servants, who are entitled to receive pension, the Writ Petitioners must first establish that their appointments were made against permanent posts created under the Government Department and their salary was also paid from the consolidated fund of the State Government of Maharashtra, thus putting in place, a master-servant relationship between the Petitioners and the Government, which they have failed to do in this case. Therefore, we are of the opinion that the Doctrine of *Promissory Estoppel* invoked by the Writ Petitioners would not be of any assistance to them in the facts of this case.

34. Section 25FFA permits closing down of an undertaking by the employer by giving sixty days notice of such intention, provided the number of workmen employed therein are not less than fifty. The number of employees in the SIET, at the time of its closure, was evidently and admittedly more than fifty. Documents available on record go to show that closure compensation for a sum of Rs. 24,75,981/- and Rs. 15,91,044/- were sanctioned by

the Director of Vidya Parishad for the Petitioners No. 1 & 2 respectively and the amounts were also transferred to their respective bank accounts in the year 2017. Although Mr. Desai has argued that the Petitioners had never accepted such amounts and are ready and willing to return the same if pension is made available to them, such a recourse, in our opinion, would neither be practicable nor permissible at this point of time. From a careful analysis of the Government Resolution dated 31st May 2017, we do not find any anomaly in the decision of the Government of Maharashtra in issuing the impugned Government Resolution, warranting interference by this Court.

35. For the reasons stated hereinabove, we are of the considered opinion that the Judgment and Order dated 11th August 2023 passed by the learned MAT does not suffer from any error warranting interference by this Court. The Writ Petition is, therefore, held to be devoid of any merit and the same is accordingly dismissed.

36. Parties to bear their own costs.

(SHYAM C. CHANDAK, J.) **(SUMAN SHYAM, J.)**