

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 3996 OF 2015

MAHARASHTRA MAHAPALIKA ADHIKARI
SANGH THROUGH ITS PRESIDENT
MRS. MUKTA MANOHAR

...Petitioners

Versus

STATE OF MAHARASHTRA AND ORS

...Respondents

*Mr.A.V.Anturkar, Senior Advocate with Mr.R.C.Barge i/b. Mr.S.B.Deshmukh,
for the Petitioners.*

*Mr.Sushil Mahadeshwar i/b. Ms.Ranjana Todankar with Ms.Anita
Y.Murgude, for the Petitioners in connected WP Nos.2172/15 & 2285/16.*

Mr.Abhijit Kulkarni, for Respondent No.3.

Mr.C.P.Yadav, AGP for Respondent Nos.1,2 and 5.

**CORAM : ANOOP V. MOHTA &
G.S. KULKARNI, JJ.**

DATE : 1st March, 2016.

ORDER:

1. Rule, returnable forthwith. Heard finally by consent of the parties.

2. Learned Senior Advocate appearing for the Petitioners submitted, on instructions, that they are pressing the present petition in

respect of promotion to the post of Deputy Municipal Commissioner, Pune Municipal Corporation. Specifically, there is no issue that 50% of the post is to be filled by promotion to the post of Deputy Municipal Commissioner and remaining 50% by deputation as contemplated under Section 45B of the Maharashtra Municipal Corporation Act, 1949 and rules framed thereunder being Pune Municipal Corporation (Recruitment and Classification) Rules, 2014 and the circulars issued accordingly.

3. Learned Counsel appearing for the Corporation has made statement that in the first week of February, 2016, they have published the Seniority List of all the employees. A statement is made by the learned Senior Counsel appearing for the Petitioners that there are six vacancies and they are required to be filled in by promotion. There should be no hurdle to promote the eligible candidates in view of these Rules itself. It is also in the background that there is no stay granted by this Court in any of these matters referring to the Rules in question.

4. We, therefore, without going into the controversy of maintainability of the petition, direct the Respondent – Corporation to undertake the exercise of promotion as early as possible and shall endeavor to complete the exercise within a period of six weeks in accordance with law. Liberty is granted to pursue other independent

proceedings as regards the issue only in respect of prayer clause (D), if so instructed.

5. Learned Counsel appearing for the Petitioners in view of the above, agreed to delete Respondent Nos.1, 2 and 5-State Government, as no relief is claimed against the State Government in this petition. Amendment be carried out forthwith.

6. In view of the above, the present petition is disposed of. No costs.

(G.S.KULKARNI, J.)

(ANOOP V. MOHTA, J.)