

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.299/2016

Ganesh s/o Makram Rathod and others

...Versus...

The State of Maharashtra, Urban Development Department, Mantralaya,
Mumbai – 400 032 through its Secretary and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.P. Marpakwar, Advocate for petitioners
Shri N.R. Patil, AGP for respondent no.1
Shri C.S. Kaptan, Sr. Adv. with Shri S.M. Puranik, Adv. for respondent no.2
Shri A.D. Mohgaonkar, Advocate for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 05.04.2016

By this writ petition, the petitioners have challenged the order of the respondent no.2 – Municipal Commissioner, dated 28.12.2015, permitting the respondent no.3 to hold temporary charge of the Deputy Municipal Commissioner without claiming any additional benefits.

On hearing the learned Counsel for the parties, it appears that the impugned order cannot be effectively challenged by the petitioners on the ground that the petitioners are senior to the respondent no.3 and therefore the respondent no.2 – Municipal Commissioner could not have permitted the respondent

no.3 to hold the temporary charge of the Deputy Municipal Commissioner. Nothing has been pointed out on behalf of the petitioners despite a query that only the senior most qualified employee from the Municipal Corporation would be entitled to hold the temporary charge of the Deputy Municipal Commissioner. In the absence of any Rules, Regulations or Policy of the Corporation to permit only the senior most person to hold the temporary charge of the post of Deputy Municipal Commissioner, the challenge made by the petitioners to the impugned order cannot be sustained.

Since the only ground on which the petitioners have challenged the impugned order is not well founded, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar