

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

WRIT PETITION NO.3216 OF 2015

(Premchand Mulchandji Shukla vs. Principal Secretary, Urban Development-cum-Director and others)

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

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : MARCH 30, 2016

Heard Adv. Shiralkar for petitioner, Shri Kale, learned Assistant Government Pleader for respondent nos.1 and 2, and Adv. Patil for respondent no.3.

The petitioner seeks permanent absorption in employment with respondent no.3 Municipal Council.

The facts show that petitioner joined employment with Achalpur Municipal Council somewhere in 1982. Thereafter he requested for his transfer to other Municipal Council and it appears that the same was accepted vide order dated 3/10/2008.

The actual posting, however, could take place on 30/5/2015. The petitioner is shown to be

absorbed with Municipal Council, Yavatmal at Yavatmal against a vacant post. This order has been questioned before the Court.

Adv. Shiralkar submits that petitioner was already working with Municipal Council, Achalpur and after his absorption, was to be provided work again by Municipal Council, Achalpur.

Shri Kale, learned Assistant Government Pleader for respondent nos.1 and 2, and Adv. Patil for respondent no.3 point out that petitioner is about to reach the age of superannuation on 31/7/2016. They are seeking time of two weeks to file reply.

This Court has on 5/6/2015 granted ad interim relief to petitioner and the order dated 30/5/2015 has been stayed.

The order dated 5/6/2015 shows that Vacation Judge has found that the petitioner was to be absorbed in Government service. Considering the fact that petitioner is in employment of Municipal Council, Achalpur since 1982, without recording any finding on any of the disputed facts, which arise from above narration, we grant petitioner leave to move an appropriate representation to respondent no.1 within a period of two weeks from today. If such representation is moved, respondent no.1 shall consider it within further period of four weeks. If

necessary, opportunity of hearing shall be given to the petitioner.

Till respondent no.1 passes appropriate orders on the said representation, interim order passed by this Court on 5/6/2015 shall continue and cease to operate automatically thereafter.

With above directions and keeping all rival contentions open, we dispose of the petition. No costs.

JUDGE

JUDGE

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