

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

WRIT PETITION NO.5184/2016

Shri Sunil Madhukarrao Lokhande
...Versus...
Director, Municipal Administration, Mumbai, 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 S.S. Dhengale, Advocate for petitioner
Shri A.A. Madiwale, AGP for respondent nos.1 and 2
Shri M.I. Dhatrak, Advocate for respondent no.3

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 29.11.2016

The only prayer made by the petitioner in the instant petition is for a direction against the Collector to decide the proposal for grant of approval to the appointment of the petitioner on the post of fireman.

It is stated on behalf of the petitioner that though the Chief Officer of the Nagar Parishad has made representations to the Collector for considering the grant of approval to the appointment of the petitioner and some other firemen, that were appointed along with him, the Collector has not decided the proposal till date. It is stated that the grievance of the petitioner would stand redressed, if the Collector is directed to decide the proposal of the petitioner.

The learned Counsel for the Nagar Parishad points out by referring to Annexure D-7 that the petitioner's eligibility for appointment was considered by the Nagar Parishad and it was found that the petitioner does not possess the qualifications for appointment to the post of fireman. It is stated that by the communication addressed by the Nagar Parishad to the Collector, dated 18.12.2015, it is clearly mentioned that since the petitioner is not eligible for regular appointment, the petitioner is continued in service on monthly honorarium of Rs.4,000/-.

Since according to the Nagar Parishad, the petitioner is not eligible for appointment to the post of fireman and since the Nagar Parishad is continuing the petitioner in service on monthly honorarium of Rs.4,000/-, a direction cannot be issued against the Collector to consider the proposal of the petitioner for appointment on the post of fireman, specially when the order of the Nagar Parishad is not challenged by the petitioner.

Since the prayer made by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE