

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.964 OF 2016

Mukesh Pannaram Gaichand
and others. ... Petitioners.

Versus

The State of Maharashtra
and others ... Respondents.

...

Mr.S.K.Chavan, advocate for the petitioners.
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.R.R.Chandak, advocate for Respondent No.4.
Mr.A.R.Vyawahare, advocate for Respondent No.5.

...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 27.11.2017.

PER COURT :

1. The petitioners claim to have been appointed by Respondent No.5 to repair and maintain the toilets at five places. The Respondent No.5 inter-alia was appointed by Respondent No.4 Municipal Council.

2. The grievance of the petitioners is that though they had worked for one year i.e. 2012-13, they were not paid any amount.

3. In fact, the primary responsibility to make payment to the petitioners is of Respondent No.5 and upon abiding by the terms, Respondent No.5 would get the amount from the Municipal Council as agreed.

4. There are rival contentions. It is for the Chief Executive Officer of the Municipal Council to take appropriate decision with regard to the work done.

5. The Respondent No.5 shall supply the documents/record of the work done for the year in question to the Municipal Council. On receipt of the record from the Respondent No.5, the Municipal Council shall take decision about the work done by Respondent No.5 and if it comes to the conclusion that the work is done by Respondent No.5 then the payment shall be made to Respondent No.5, who in turn will make payment to

the petitioners. The Inquiry shall be done by the Respondent No.3 expeditiously, preferably within four (4) months after receipt of all the documents.

6. The Writ Petition is disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

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