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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3702 OF 2017

Sarjerao Sadhu Shinde & Ors.

..Petitioners.

V/s.

State of Maharashtra & Ors.

..Respondents.

Mr.Dhairysheel V.Sutar for the Petitioners.

Mr.Sandeeop Babar, AGP for Respondent Nos.1 & 2.

Mr.Vijay Killedar for Respondent Nos.3 & 4.

***CORAM : SHANTANU S.KEMKAR AND
M.S.SONAK, JJ.***

DATED : 13 JULY 2017

P.C.:-

Not on board. In view of the urgency, taken on production board.

2. The grievance of the Petitioners is that while rejecting their objections, Respondent No.4 had not taken into consideration various grounds raised in the objections. According to the

Petitioners, the persons who were appointed from Satara District to Sangli District were not surplus. It is also the grievance of the Petitioners that while passing the impugned order dated 19 September, 2016 no opportunity of hearing has been given by the fourth Respondent and mechanically the Petitioners' objections have been rejected by observing that provisional seniority list is correct.

3. Today, when the matter came up for hearing, the only prayer made by the Petitioners is to dispose of the petition by directing Respondent No.4 to reconsider the Petitioners' grievance afresh after giving an opportunity of hearing to them and also other persons who be affected by the decision as may be taken, keeping in view the Petitioners contention that the employees who are treated as surplus are not in fact surplus.

4. Keeping in view this aforesaid limited prayer, without going into the merits and the contentions raised by the Petitioners, we direct Respondent No.4 to consider the grievance of the Petitioners and take appropriate decision by giving opportunity of

hearing to the Petitioners and also to the persons likely to be affected by the decision.

5. We also keep all contentions of the parties open, including the question as to whether those employees are actually surplus or not. The aforesaid decision by the Respondent No.4 be taken within a period of three months from the date of receipt of copy of this order. With the aforesaid observations, the petition is disposed of.

6. Needless to say that any promotions made on the basis of the existing seniority will be subject to the outcome of the decision as may be taken by the fourth Respondent.

(M.S.SONAK, J.)

(SHANTANU S.KEMKAR, J.)