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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1870 OF 2017

Principal General Manager BSNL,Pune

.. Petitioner

Versus

State Election Commissioner Maharashtra
State Mumbai and or.s

.. Respondents

Mrs. Neeta V. Masurkar for petitioner.

Mr. S. B. Shetye for respondent no.1.

Mr. A. P. Kulkarni for respondent nos.2 and 3.

Mr. D. R. More for respondent no.4.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

FEBRUARY 20, 2017.

P.C.

1. Affidavit-in-reply is filed on behalf of respondent nos.2 and 3.

Petitioner has also filed affidavit-in-rejoinder. We have heard the learned counsel for the respective parties.

2. Learned counsel appearing for the Corporation submits that

the staff of BSNL, which has undergone training, joined today for assistance. The polling is to take place tomorrow. Learned counsel further makes a statement that the services of the staff of BSNL will not be utilized for the counting purposes. As soon as the election work gets over, the staff of the petitioner will be relieved tomorrow to join their respective duty with BSNL.

3. Learned counsel for the petitioner submits that in view of the nature of essential services, the staff of the petitioner is required by the BSNL. It is submitted that under pressure the staff of the petitioner is compelled to join the election duty. This statement is disputed by the learned counsel appearing for the State Election Commission. Learned counsel for the State Election Commission, on instructions, submits that in the facts of this case, no coercive actions are contemplated and shall not be taken against the BSNL staff. Learned counsel expresses appreciation of the assistance which the BSNL staff would be rendering in the larger interest of the public at large and looking to the exigency of situation. Learned counsel for the petitioner submits that this incident shall not be treated as precedent for future elections.

4. In the facts, we direct the State Election Commissioner to take necessary steps in respect of the staff to be employed on election duty in the State of Maharashtra. The election programme shall be arranged, taking into consideration availability of the staff. It would be appropriate if the State Election Commissioner frames guidelines regarding rendering of assistance by staff / employees during the election to be held in future. We expect and hope that such situation, which had arisen in the facts of the present case, would be avoided in future.

5. With aforesaid directions, petition stands disposed of.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)