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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION (ST) NO. 4364 OF 2017

WITH

CONTEMPT PETITION (ST) NO. 5842 OF 2017

IN

WRIT PETITION NO. 8275 OF 2016

Navi Mumbai Municipal Corporation & Ors. ...Applicants
In the matter of
Dilip Shivram Nimbara & Ors. ... Petitioners
Versus
Navi Mumbai Municipal Corporation & Ors. ...Respondents

Mr Suresh Pakale, *i/b Mr. S.M. Katkar, Adv. for Petitioners
in Writ Petition and Contempt Petition.*

Mr. V.N. Sagare, *AGP for Respondent No.1 in WP and
Contempt Petition.*

Mr. Sandip Marne, *Adv for Respondents Nos. 2 to 5 in WP.*

**CORAM: B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATED: 10th July 2017

PC:-

1. Civil Application is not on board. Taken on board.
2. By way of this Civil Application (St) No. 4364 of 2017, the Municipal Corporation had applied for vacation of interim order dated 20th July 2016.

3. Vide the order dated 20th July 2016, this Court had granted interim relief in terms of prayer clause (c), which reads thus:-

Pending the hearing and final disposal of this Writ Petition, this Hon'ble Court be further pleased to direct the Respondents not to disturb and / or terminate the services of the Petitioners in any manner whatsoever and pay them as per the regular pay scale admissible to the post of Secondary School teacher.

4. It could thus be seen that by an interim order as prayed by the Petitioners, the Court has directed payments of regular salary to the Petitioners, who have been undisputedly initially appointed on a purely temporary basis on a contract amount. By an interim order, unless the rights of the Petitioners are decided by this Court in their favour, we find that a direction to pay salary in the regular scale would not be in the interest of justice.

5. In that view of the matter, we modify order dated 20th July 2016. It is directed that though the Petitioners shall be entitled to continue in their services in terms of the order

dated 20th July 2016, however, their continuation shall be on the contract basis as per their initial appointment and they would be entitled to the honorarium or as is applicable to the teachers appointed on contract basis.

6. We further find from the record that, the Corporation itself has applied to the State Government vide communication dated 7th October 2016 for cancellation of the resolution of General Body dated 19th October 2012.

7. In that view of the matter, the Civil Application is disposed of.

8. In view of clarification of the order dated 20th July 2016, Mr Pakale, learned counsel for the Petitioners does not press the Contempt Petition and same is disposed of.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)