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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1863 OF 2017
IN
WRIT PETITION NO. 8297 OF 2012

Yuvraj Dhondu Bhadane .. Applicant

In the matter between

Yuvraj Dhondu Bhadane .. Petitioner

Versus

State of Maharashtra and ors. .. Respondents

Mr. Ram Apte, Sr. Advocate a/w Mr. N. R. Bubna i/by Mr. A.R. Gole for applicant/org. Petitioner.

Mr. O. M. Kulkarni, AGP for State.

Mr. Suresh M. Kamble for respondent nos.2 and 3.

CORAM: NARESH H. PATIL &
Z. A. HAQ, JJ.

SEPTEMBER 15, 2017.

P.C.

1. The learned Senior Counsel appearing for the applicant / original petitioner submits that the Corporation is not taking up the issue of promotion by placing it before the General Body, inspite of the State Government issuing directions to the Corporation. The learned counsel appearing for the Corporation submits that in accordance with law, the Corporation will deal with the issue.

2. We have perused the order passed by the Division Bench of this court (Coram: Anoop V. Mohta & S. C. Gupte, JJ.) on 14/3/2016 :-

“1. Learned counsel appearing for the respondent – Ulhasnagar Municipal Corporation makes a statement that the Corporation has decided to follow the current service rules and consider to promote eligible candidates on vacant posts and the subject will be accordingly placed before the Competent Authority within six months for consideration so that appropriate order can be passed by the authorities in accordance with law, as the posts are lying vacant since long.

2. In view of the earlier order dated 21-7-2011, the Corporation to proceed even to consider, along with others, the case of the petitioner in Writ Petition No. 4685 of 2007, if he is otherwise found eligible, in accordance with law. However, this will be subject to further and final order so far as the petitioner in Writ Petition No. 4685 of 2007 is concerned.

3. A photocopy of the letter dated 11-3-2016, tendered by the learned counsel for the Corporation, is taken on record and marked “X” for identification.

4. Stand over to 28-3-16, for disposal. Meanwhile, the parties, as already directed, to file short synopsis and written notes of arguments.”

Thereafter the petition was heard on merits and the Division Bench of this court (Coram: S. C. Dharmadhikari & B. P. Colabawalla, JJ.) passed following order on 21/12/2016:-

“ Heard. Rule.

2. To be heard along with Writ Petition No. 4685 of 2007.”

3. Contempt Petition No. 117 OF 2017 filed by the applicant came to be disposed of by the Division Bench of this court (Coram: Shantanu S. Kemkar & M. S. Sonak, JJ.) by passing following order on 30/6/2017 :-

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

2] After arguing for some time, learned counsel for the petitioner seeks leave to withdraw this contempt petition with liberty to the petitioner to file a fresh application for grant of interim order in terms of the order passed on 14th March, 2016.

3] With the aforesaid liberty, the contempt petition is disposed of.”

4. In the facts we observe that it should be left to the Administration of the Corporation to deal with the issue in accordance with law. Needless to mention that the applicant's prayer for promotion is subject matter of the petition admitted by this court along with other connected petition and the PIL.

5. With the aforesaid observation, Civil Application stands disposed of.

(Z. A. HAQ,J.)

(NARESH H. PATIL,J.)