

Sequeira

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

PUBLIC INTEREST LITIGATION NO. 98 OF 2017

Navi Mumbai Municipal Corporation
Karmachari Kamgar Sena and another. .. Petitioners
Vs
The State of Maharashtra and others. .. Respondents

Mr.Satyajeet Shirke i/b Mr.Uday Warunjikar, for Petitioners.

Mr.P.G.Sawant - AGP, for State.

Mr.Sushant Chavan i/b Sandesh Deshpande, for Respondent Nos.2 and 3.

***CORAM : DR.MANJULA CHELLUR, C.J. &
M.S.SONAK, J.***

Date : November 10, 2017.

P.C. :

The Petition was filed at a time when four hundred buses were purchased by second Respondent from Volvo Company for the purpose of depot established by second and third Respondent. CNG as well as Diesel pumps were owned by Respondent Nos.2 and 3. Arrangements were looked after by primary Transport Manager. Subsequent to the purchase of four hundred Volvo buses, feeling the need of additional staff for maintenance and functioning including

the repairs of the vehicles, 459 persons were required. But there were only 67 permanent and 108 temporary employees according to the Petitioners. In order to maintain the maintenance and repair work, a resolution seems to have been passed on 8 December 2014 for a service provider facility by appointing a contractor / operator. The said resolution came to be challenged and it is almost three years since said resolution is made.

2. The Petition was filed with some deficits and the matter was kept pending for removal of objections. Fortunately after three years, the said objections seem to have been removed. However, the resolution dated 8 December 2014 must have been implemented by this time. Today the affidavit filed by Respondent Corporation indicates in terms of resolution dated 8 December 2014, a contractor was appointed and there is no difficulty in making all the vehicles functional with maintenance or repairs in time including scrapping of old buses and purchasing of the new buses under the scheme.

3. In the light of above decision which is a policy decision of the Respondent Corporation, we are of the opinion how a *pro bono publico* can have a grievance about the same. In all probability the said grievance seems to be the grievance of temporary staff who were in charge of maintenance and repairs and whose employment or avocation must have been affected on account of taking the service of

a contractor. We are of the opinion unless there is substantial material indicating illegality or deviation of the process by Respondent Corporation in maintenance and repairs of the vehicles, this kind of public interest litigation cannot be entertained which is purely based on imagination and surmises.

4. Accordingly, Petition is disposed of.

M.S.SONAK, J.

CHIEF JUSTICE