

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

WRIT PETITION NO.11198 OF 2017

Municipal Corporation of Greater
Mumbai and Ors.

... Petitioners

versus

Mumbai Mahanagarpalika Karyalayeen
Karmachari Sanghatana

... Respondent

Mr. Joel Carlos with Mr. Vidhya Gharpure, Mr. Vinod Mahadik, for Petitioners.
Mr. Prakash Devdas with Mr. Vidula Patil for Respondent.
Mr. Devidas Kshirsagar, Assessor and Collector present.

CORAM: S.J. KATHAWALLA, J.

DATE: 14th NOVEMBER, 2017

P.C.:

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The order impugned in the above Writ Petition dated 22nd September, 2017 is set aside.

(ii) The 126 Inspectors who have till date not attended to the duties assigned to them, undertake to forthwith attend to the same. The undertaking is accepted.

(iii) The statement made on behalf of the Corporation that there shall be no change in the service conditions of the said Inspectors, is accepted as an undertaking given to the Court.

(iv) Since the Corporation has informed the Court that they shall be holding their examination after 31st January, 2018 and the issue of examination is also raised in the Complaint, the Industrial Court, Mumbai shall decide the Complaint (ULP) No.287 of 2017 on or before 12th January, 2018.

(v) The Industrial Court, Mumbai shall not adjourn the matter on any ground unless absolutely necessary. The parties too shall not seek any adjournments unless absolutely necessary.

(vi) Since the issues involved in the Complaint are required to be urgently decided, the Industrial Court, Mumbai, may proceed with the matter on day to day basis.

(vii) This order will not preclude the Corporation from proceeding with the steps to be taken for conducting the examinations. However, it is clarified that the issue of examination shall be finally decided in Complaint (ULP) No.287 of 2017 .

(viii) This order is passed without prejudice to the rights and contentions of the parties and all contentions of the parties are kept open.

(ix) The above Writ Petition is accordingly disposed off.

(x) Liberty to apply.

(S.J.KATHAWALLA,J.)