

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 WRIT PETITION NO.3944 OF 2017

SANDEEP DNYANOBA PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. V.D.Gunale, Advocate for Petitioners
Mr. S.S.Dande, AGP for Respondent-State
Mr. R.K.Ingole-Patil, Advocate for Respondent No.2
...

**CORAM : PRASANNA B. VARALE AND
MANGESH S. PATIL, JJ.**

DATE : 07.12.2018

PER COURT :-

1. Heard Mr. Gunale, the learned counsel appearing for the petitioners. The learned counsel for the petitioners submitted that all these petitioners are possessing requisite qualifications such as B.E. (Civil) and / or Diploma in Civil Engineering and Degree in A.M.I.E. respectively. It is then submitted before us that respondent No.2 / Nanded Waghala City, Municipal Corporation, Nanded was in need of engineers. As such, an advertisement was issued for appointment of the engineers on the establishment of the Corporation. In response to the advertisement dated

04.01.2008, the petitioners submitted their claim and the petitioners were selected and appointed on contract basis on a consolidated salary @ Rs.6,000/-. It is submitted that the appointment orders state that these orders are periodical appointments. Initially, their probation period is for one year and their services would be continued subject to further approval.

2. The learned counsel Mr. Gunale then submitted that the services of the petitioners were continued by giving certain technical breaks. It was also submitted by Mr. Gunale that a resolution was passed by the Corporation requesting the Government to absorb these petitioners on the establishment of the Corporation and it is stated in the resolution that the services of these petitioners are satisfactory and these petitioners have worked with the Corporation to the best of their ability to complete the various schemes under J.N.N.U.R.M.

3. Mr. Gunale further submitted that the petitioners, by way of various representations, requested Respondent No.2 to absorb the petitioners on the establishment of Corporation and regularize their services. Copy of such representations are placed on record at Exh-K collectively. Mr. Gunale then

submitted that Respondent No.2 / Corporation through the Commissioner of Corporation submitted a proposal to the State Government on 08.11.2012. By inviting our attention to the copy of this communication at Exh-E, Mr. Gunale submitted that Respondent No.2 / Corporation reiterates before the State Government that the services of the petitioners are satisfactory and the Corporation is in need of the services of these petitioners. Thus the Corporation submits a positive proposal in favour of these petitioners. Mr. Gunale then submitted that as no decision is taken by the State Government on the proposal dated 08.11.2012 and also no decision is taken on the representation submitted by the petitioners to Respondent No.2, the petitioners were constrained to approach this Court by the present Writ Petition.

4. It is not in dispute that the Corporation through communication dated 08.11.2012 submitted a positive proposal to the Principal Secretary, Urban Development Department of the State and until there is a decision from the State Government. Respondent No.2 / Corporation will not be in a position to proceed further in the matter. In view of these facts, we sought a reply from the learned counsel

appearing for Respondent No.2 about the progress of the proposal dated 08.11.2012. The learned counsel appearing for Respondent No.2 submitted that as per his instructions, Respondent No.2 / Corporation received certain communications from the State Government pointing out queries in respect of the sanctioned staff to the Corporation and recently this communication is received by the Corporation. The learned counsel appearing for Respondent No.2 submitted that Respondent No.2 / Corporation is in process to respond the communication of the State Government and within a week or two the Corporation would submit the response to the queries raised by the State Government.

5. Accepting the statement of the learned counsel appearing for Respondent No.2, we are of the opinion that the grievance of the petitioners can be redressed by directing Respondent No.1 to decide the proposal forwarded by Respondent No.2 / Corporation dated 08.11.2012 on its merits and on the other material including the responds from Respondent No.2 to the queries, if submitted by Respondent No.2 within two weeks from today. Respondent No.1 to decide the proposal, as expeditiously as possible and

not later than ten weeks from the date of order of this Court. The learned counsel Mr. Gunale submitted that in identical situation an order is passed by the Division Bench of this Court at Nagpur Bench and a reliance was placed on the Judgment dated 19.10.2013 in the matter of **Sachin Ambadas Dawale and others Vs. State of Maharashtra and others in Writ Petition No.2046 of 2010**. The petitioners are at liberty to submit a fresh representation to Respondent No.2 / Corporation along with the copy of the judgment relied on by the learned counsel for the petitioners. If such a representation is received by Respondent No.2, Respondent No.2 may forward this representation along with its responds to Respondent No.1.

6. With these directions, the Petition is disposed of.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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vmk/-