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

WRIT PETITION NO.5279 OF 2017

Valmik Tejrao Deshmukh,
Age: 49 years, Occu: Service as Assistant
Driller in the office of Zilla Parishad, Aurangabad,
R/o: Plot No.4, Tirupati Nagar, Harsul,
Aurangabad, Tq. and Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32
2. The Divisional Commissioner,
Aurangabad, District Aurangabad
3. The Chief Executive Officer,
Zilla Parishad, Aurangabad
4. The Executive Engineer,
Rural Water Supply,
Zilla Parishad, Aurangabad

..RESPONDENTS

Mr V. B. Wagh, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent Nos.1 & 2;
Mr K. D. Mundhe, Advocate for respondent Nos.3 & 4

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 23rd October, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

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2. The petitioner is before this Court with a prayer seeking directions to respondent No.2 to take decision regarding absorption of the petitioner on the post of the Assistant Driller and to prepare the seniority list of the post of Assistant Driller for the promotion to the post of Junior Engineer (Mech.)

3. Learned Counsel for the petitioner submits that the petitioner was appointed in the year 1991 as a 'Ringman' in the Ground Water Survey and Development Department. Subsequently, the State Government, by its Government Resolution dated 17th April, 2013, issued directions for absorption of the persons, who were earlier working in the Ground Water Survey and Development Department in the Zilla Parishad as a permanent employee. Learned Counsel for the petitioner also invited our attention to the various communications, applications and representations of the petitioners. He also invited our attention to the Gazette Notification dated 14th November, 2000 in support of his submission.

4. In response to the notice issued to the respondents by the Division Bench of this Court, an affidavit-in-reply is filed on behalf of respondent No.4 Zilla Parishad, Aurangabad through the Executive Engineer, Zilla Parishad (Water Supply), Aurangabad. A categorical statement is made in the affidavit-in-reply that respondent Nos.3 and 4 have done anything which would affect the seniority, service or pay-scale of the petitioner or anyone else. Then it is stated that every decision of the respondents is governed by

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the State policy. It is further stated that the petitioner submitted his application seeking promotion to the post of Junior Engineer, which is vacant due to retirement of an employee Shri. Dange. It is further stated that there are only four posts of Junior Engineer in Zilla Parishad, out of which one is filled in by compassionate appointment and others are filled in due to absorption. It is then stated in the affidavit-in-reply that those posts which are vacant today, would be filled up as per the State policy and whoever including petitioner is found fit for the post would be appointed on that post as per the policy, rules and regulations of the State. It is further stated that respondent Nos.3 and 4 have no hold or any other interest over any such decision. The statement made on behalf of respondent Nos.3 and 4 is accepted.

5. In our opinion, in view of above referred statement, the grievance of the petitioner is redressed as the petitioner's claim would be considered by the Zilla Parishad and he would be appointed, if found fit for the promotional post.

6. Learned Counsel for the petitioner submits that the respondents authorities be directed to undertake an exercise of absorption of the petitioner within a stipulated time frame. Considering the grievance of the petitioner, we direct the respondents authorities to undertake an exercise of absorption of the petitioner and alike persons as per their claims, as

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expeditiously as possible and preferably within twelve weeks from the date of the order of this Court.

With the aforesaid directions and observations, the petition is disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

sjk