

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8088 OF 2018

DILIP RAMDAS CHAUDHARI
VERSUS
THE CHIEF OFFICER NAGARPALIKA CHALISGAON

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Advocate for Petitioner : Shri Patil Vijay Y.
Advocate for Respondent : Shri Dhorde Vikram R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 24, 2018
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PER COURT :-

1 The petitioner is aggrieved by the judgment and order dated 28.6.2010, by which, his Complaint (ULP) No.68 of 2002 has been dismissed and his claim for permanency has been turned down.

2 Normally this petition would not have been entertained as the petitioner is approaching this Court after eight years of the dismissal of his complaint.

3 The learned counsel for the petitioner submits, on instructions, that he has moved this petition in view of a recent decision of this Court dated 11.5.2018 in a bunch of Writ Petitions Nos.3409 of 2003 and others - Municipal Council Chalisgaon Vs. Vilas Dattatray Nerpagar and

others. Vide the said judgment, this Court has directed the Municipal Council to forward the proposal of temporary employees, so as to be absorbed on regular basis depending upon their seniority and availability of the post. He prays that similar directions may be issued in this petition and it can be disposed off.

4 Learned counsel appearing on behalf of the respondent, tenders an affidavit-in-reply, dated 14.9.2018 and places reliance upon the submission made in paragraph No.3 that if similar directions are passed in this matter on the lines of those passed in the judgment dated 11.5.2018, the competent authority can consider the case of the petitioner on its own merits.

5 The petitioner places on record a communication dated 5.10.2018, issued by the District Administrative Officer, Jalgaon addressed to the Commissioner / Director of Municipal Administration stating that this petitioner is presently working as Sanitary Inspector on temporary basis and one post of Sanitary Inspector is vacant. It is suggested that the petitioner can be considered for regularization on the said vacant post, subject to his seniority. This communication is taken on record and marked as Exhibit "X" for identification.

6 Considering the above, this petition is disposed off with the

observation that the directions issued in the judgment dated 11.5.2018 in Writ Petition No.3409 of 2003 and others, shall be made applicable to the case of this petitioner, namely, Dilip Ramdas Chaudhari and his case will be considered on its own merits subject to the availability of post and his seniority. The dismissal of his complaint by the Industrial Court will not be an impediment and his service as a Sanitary Inspector, after the dismissal of the complaint, till today shall be considered as an additional factor.

(RAVINDRA V. GHUGE, J.)

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