

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7791 OF 2016

Laxman Pandurang Kolhe .. **Petitioner**
Versus
The State of Maharashtra and others.. **Respondents**

WITH
WRIT PETITION NO. 7793 OF 2016

Vinayak Balkrishna Kadam .. **Petitioner**
Versus
The State of Maharashtra and others.. **Respondents**

Shri A. D. Sugdare, Advocate for the Petitioners.
Shri S. B. Pulkundwar, A.G.P. for Respondent No. 1.
Shri Sambhaji S. Tope, Advocate for Respondent Nos. 2 and 3.
Shri Sachin S. Randive, Advocate for Respondent Nos. 4 to 6.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. The dispute is with regard to the seniority and the promotion to the post of Chief Fireman.
2. Mr. Sugdare, the learned counsel submits that the seniority list was published in the year – 1997, and the petitioners are placed senior to the present respondent nos. 4 to 6. The learned

counsel submits that the claim of the petitioners have been erroneously negated and promotion order is issued to the respondents on 15.07.2016. The promotions are to be given only on the basis of seniority.

3. Mr. Tope, the learned counsel submits that the seniority list relied upon by the petitioners of the year – 1997, is shown to have been prepared by Fire Brigade Department. The seniority list has to be maintained and prepared by the establishment and the seniority list is prepared and published by the establishment in the year – 2016, showing respondent nos. 4 to 6 senior to the petitioners. The learned counsel also relies on Regulations of Seniority Rules, 1982, to contend that if the date of appointment is same, then the person senior in age is senior.

4. Mr. Sugdare, the learned counsel further submits that the petitioners had also given application to the commissioner but no cognizance is taken.

5. Mr. Tope, the learned counsel submits that it is for the Standing Committee to consider the grievance as it would have an appellate jurisdiction.

6. In view of the fact that in house mechanism is provided to consider such disputes, the petitioners may approach the Standing Committee with regard to their grievance / representations. Upon receipt of the same, the Standing Committee of respondent – Corporation, shall decide the grievance / representations of the petitioners after considering all the relevant aspects of the matter and following the principles of natural justice, expeditiously and preferably within a period of four (4) months from the date of receipt of the grievance / representations.

7. Writ Petitions accordingly stand disposed of.
No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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