

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

WRIT PETITION NO. 15175 OF 2017

Bhausahab Sundarrao Ghatul .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. P. Bhumkar, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1, 2 and 4.

Shri K. B. Jadhavar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND MARCH, 2018.

ORDER :

. Mr. Bhumkar, the learned advocate submit that, the petitioner is working as Muster Assistant in the Works Department, Zilla Parishad, Beed since prior to 1993. According to the learned counsel the petitioner is qualified to be absorbed as Assistants to Civil Engineer. He stand at high in the seniority list. The learned advocate submits that there are large number of vacancies available with the Zilla Parishad, Beed. However, respondents are not taking steps to absorb the petitioner.

2. The learned Assistant Government Pleader submits that, as on the date of the filing of affidavit by the Sub Divisional

Officer, Majalgaon, in Writ Petition No. 839 of 2017 the petitioner was not at higher place in the seniority list. If, the petitioner attains the seniority in due course of time in future, then the posts of assistants to Civil Engineer would be provided to him on priority basis subject to vacancy of the posts.

3. Mr. K. B. Jadhavar, the learned advocate for the Zilla Parishad, submits that under letter dated 16.11.2013 the proposal is forwarded to the Deputy Commissioner (Establishment) Aurangabad for absorption. The power of absorption of muster assistants are with the Deputy Commissioner (Establishment). The proposal is already forwarded.

4. None of the respondents have disputed the entitlement of the petitioner to be absorbed as per his qualification. It is a matter of time. According to petitioner, he is at higher place in the seniority list of the persons to be absorbed as Assistants to Civil Engineers. Whereas according to the Government, the petitioner is not at higher place of the seniority list.

5. Be that as it may, it is submitted that, proposal is already forwarded to the Deputy Commissioner (Establishment). It is the further contention that the Deputy Commissioner has forwarded the said proposal to the Government.

6. In case, the vacancy exists, then there is no impediment to absorb the petitioner according to his seniority and the availability of posts and according to his qualification. As the proposal is already forwarded by the Zilla Parishad, in the year 2013 and in turn the proposal is forwarded by the Deputy Commissioner, it is high time the decision is taken on the said proposal, as the petitioner would be nearing the age of retirement in due course.

7. In the light of the above, the Respondent Nos. 1, 2 and 3 shall consider the case of the petitioner for absorption in accordance with his seniority and the availability of the vacancy commensurate to his qualification and shall take decision upon the said proposal in accordance with law, expeditiously and preferably within a period of four (4) months from today. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 18