

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.684 OF 2017

(Sk.Aref s/o Sk.Jabbar Tamboli Vs. Santosh Mahadeorao Khandekar
and others)

IN

WRIT PETITION NO.8317 OF 2016

WITH

CONTEMPT PETITION NO.685 OF 2017

(Vilas Bhimrao Nikalje Vs. Santosh Mahadeorao Khandekar and
another)

IN

WRIT PETITION NO.8293 OF 2016

Mr.B.R.Surwase, Advocate for the petitioner.

Mr.H.K.Munde, Advocate for respondent No.1.

Mr.B.A.Shinde, AGP for respondent Nos. 2 and 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 16/07/2018

PER COURT :

1. After the order dated 04/07/2018 has been passed by this Court, an affidavit dated 11/07/2018 has been filed by Mr.Santosh Mahadeorao Khandekar, Chief Officer, Municipal Council, Jalna. It is stated that the proposal dated 26/06/2018 has been forwarded by him, inadvertently stating that these petitioners are contractual workers. The mistake that was committed while forwarding the proposal for the first time, has been inadvertently repeated in sending the second proposal.

2. An unconditional apology is tendered and it is stated that there was no ulterior motive behind sending the second proposal mentioning that these petitioners are contractual employees. It is then stated that a new proposal dated 09/07/2018 is forwarded, which is in tune with the directions of this Court set out in its judgment dated 18/01/2017.

3. I find that an Officer of the rank of the Chief Officer cannot be so casual as to sign on the proposal dated 26/06/2018 which is stated, across the bar, to have been prepared by a Clerk. Any Officer of his rank cannot be so complacent. As such, while accepting the apology submitted by Mr.Khandekar, he is specifically warned, vide this order, to be careful and any further recurrence of a similar act, would make him liable for disciplinary action.

4. Learned Advocate for the petitioners submits that if the Directorate of Municipal Administration is directed to consider the said proposal dated 09/07/2018 in the light of the judgment of this Court dated 18/01/2017, these two petitions can be disposed of.

5. Learned AGP submits that the directions of this Court in its judgment are that as and when the posts fall vacant and are

available, the absorption of these petitioners would be effected. He, therefore, submits that the proposal sent by the Chief Officer would be considered by the appropriate Authorities within 16 weeks from today and if the posts are not vacant / available, the petitioners would be continued in employment and would be absorbed, as soon as the posts became vacant.

6. By recording the statement made by the learned AGP as above and by the consent of the petitioners, both these petitions are disposed of.

(Ravindra V.Ghuge, J.)