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

WRIT PETITION NO.14593 OF 2017

Sanjay s/o Karbhari Sonawane,
Age: Major, Occu: Nil,
R/o. Kile Ark, VIP Road, Aurangabad,
Tq. Aurangabad, Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Urban Development Dept.,
Mantralaya, Mumbai 32

2. Municipal Corporation, Aurangabad,
Tq. Aurangabad, Dist. Aurangabad
Through its Commissioner

..RESPONDENTS

Mr M. M. Parghane, Advocate for petitioner;
Mr K. S. Patil, A.G.P. for respondent No.1;
Mr A. P. Bhandari, Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE
AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 6th April, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner; learned A.G.P. for respondent No.1 and Mr Bhandari, learned Counsel appearing on behalf of respondent No.2- Municipal Corporation, Aurangabad, through its Commissioner.

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2. This is a petition seeking directions to respondent No.2 to decide the applications of petitioner dated 20th August, 2010 and 7th October, 2010. Learned Counsel for the petitioner, by inviting our attention to various documents placed on record, submitted that the petitioner joined the services of Corporation as a 'Safai Kamgar' sometime in the year 1989 on daily wages basis. He was working as a 'Safai Kamgar' from 1989 to 1992 at Zone No.3 and Zone No.6, respectively.

3. Learned Counsel submitted that as the names of such employees working with the petitioner were not included in the list of permanent employees, petitions were filed before this Court. In the bunch of these petitions, namely, Writ Petition No.3162 of 1998 and other petitions, the Division Bench of this Court, by an order dated 18th November, 1998, directed the respondent – Corporation to consider the claim of all such persons as expeditiously as possible. The Corporation was directed to prepare seniority list by end of January, 1999. Then the learned Counsel for petitioner invited our attention to the representations submitted to the Corporation. The copies of representations dated 7th October, 2018 and 20th August, 2018 are placed on record at Exh.B collectively.

4. Learned Counsel then submitted that though the petitioner awaited for a considerable period for outcome of his representations and as no decision was taken, the petitioner then approached the Corporation

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authorities for seeking information under Right to Information Act. Our attention is invited to the documents placed on record. These are the copies of notings. Perusal of these document shows that the legal information was sought for on 29th September, 2010. It further shows that the petitioner was also called upon before the authorities with certain documents. It also refers to presence of the petitioner before the authorities on 7th October, 2010. Then it refers to direction which reads that the petitioner was present for the hearing and submitted certain documents. The claim of the petitioner was verified on the backdrop of the seniority list prepared by the Corporation. Then there is noting dated 9th November, 2010 raising queries which reads thus : (1) whether the name of the petitioner can now be included in seniority list ? and (2) if it is to be included, what procedure is to be adopted?.

Then there are again various notings, which only show that the paper horses were riding from one department to other department.

5. Then there is a noting dated 23rd September, 2011 giving a very positive findings in favour of the petitioner. The same reads that, while preparing supplementary seniority list, name of the petitioner be included in the supplementary list and necessary approval/sanction be obtained by submitting proposal to the State Government. Then there is noting of the year 2014 that the file be submitted to the Commissioner for discussion. Then there is noting of 12th June, 2014 that the discussion was held and the

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matter is kept pending. Now, there is no reason in the noting as to why the matter is kept pending.

6. Thus, on perusal of the documents, it is more than clear that the Corporation considered the claim of the petitioner favourably and was of the opinion that the petitioner's name be included in the supplementary seniority list and it was only for respondent to take necessary approval from the State Government.

7. In such a situation, we see no reason for keeping the petition pending and in our opinion, interest of justice would be served by direction to respondent No.2 i.e. Municipal Corporation, Aurangabad, through Commissioner to take a decision on the claim of the petitioner, as expeditiously as possible and not later than eight weeks from today.

8. We make it clear that the Commissioner may call for all relevant record and on his subjective satisfaction of the matter and on merit of claim of the petitioner, to take a decision and the same be communicated to the petitioner.

Writ Petition is disposed of with aforesaid directions.

(SMT. VIBHA KANKANWADI, J.) (PRASANNA B. VARALE, J.)

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