

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2259 OF 2015
WITH
CIVIL APPLICATION NO. 450 OF 2018**

Dhananjay D. Gavali and another	... Petitioners
Versus	
The State of Maharashtra and another	... Respondents

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Mr. D.B. Khaire for the Petitioners.
 Mr. A.I. Patel Addl.GP a/w Mr. S.L. Babar AGP for Respondent No.1.
 Mr. G.H. Keluskar for Respondent No.2.

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**CORAM : SHANTANU S. KEMKAR AND
M. S. KARNIK, JJ.**

DATE : 12th MARCH, 2018

P. C.:

- . Heard learned Counsel for the parties.
2. By this petition under Article 226 of the Constitution of India, the petitioners are seeking following reliefs.

“[A] Be pleased to direct the respondents to place on record the true and correct position with reference to the Recruitment Rules for the persons like the Junior Engineer (Civil) on the establishment of the respondent No.2 herein, within such period as this Hon'ble High Court may deem fit and proper and further be pleased to direct the respondent to take

appropriate decision about finalization of the recruitment rules within such period as this Hon'ble High Court may deem fit and proper;

[b] Be pleased to direct the respondent herein to prepare a common seniority list in view of the directions issued by the State of Maharashtra from time to time and the provisions of the Maharashtra Civil Services (Seniority) Rules, 1982, within such period as this Hon'ble High Court may deem fit and proper;

[c] As a consequence of prayer clause [b] above, be pleased to direct the respondent herein by issuing writ of mandamus or writ in the nature of mandamus directing the respondent to rectify the promotion orders, granted in favour of their employees in view of the provisions of the Maharashtra Civil Services (Seniority) Rules, 1982 so far as the cadre of Junior Engineer (Civil) on the establishment of the respondent No.2 is concerned;

[d] During pendency of the above referred Petition, be pleased to restrain the respondent herein from promoting any persons other than on the post of Junior Engineer (Civil) to the post of Deputy Engineer and Executive Engineer, without following the provisions of the Maharashtra Civil Services (Seniority) Rules, 1982.

[e] Ad-interim and interim relief in terms of prayer clause [d] above;

[f] Any other relief deem fit may please be granted in favour of the present petitioners herein;”

3. During the pendency of this petition, the Petitioners have filed Civil Application No. 450 of 2018 seeking the following directions.

“A. This Hon'ble court be pleased to direct the PCMC to obey the directions of the Urban Development Department issued vide letter dated 28-12-2017 and thereby prepare a common seniority list and select list of Degree holder and Diploma holder Junior Engineers forthwith.

B. This Hon'ble Court be pleased be issue to such orders in favour the justice of the Applicants.

C. This Hon'ble court be pleased to award the cost.”

4. On instructions, learned Counsel appearing for the respondents, more particularly Respondent No.2 - Corporation submits that they shall prepare a common seniority list and select list of Degree holders and Diploma holders of Junior Engineers (Civil) and take further steps in regard to the prayers made by the Petitioners in accordance with law by complying with the directions dated 28th December, 2017 issued by Urban Development Department to the Commissioner Pimpri Chinchwad Municipal Corporation.

5. Taking overall view of the aforesaid submissions, we dispose of the civil application and the writ petition by directing Respondent No.2 to comply with the directions dated 28th December, 2017 issued by the Urban Development Department and do the needful in regard to preparation of common seniority list and select list of Degree holder and Diploma holder Junior Engineers (Civil). After preparation of common seniority list, respondent No.2-Corporation shall proceed further in the matter and take steps in regard to the promotion of the eligible candidates in accordance with law as expeditiously as possible.

6. So far as the preparation of seniority and select list is concerned, the same be done within a period of two months from the date of receipt of the copy of this order.

7. With the aforesaid directions, the writ petition and civil application No. 450 of 2018, are disposed of.

(M. S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)