

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.13757 OF 2017**

Mr.Sanjay Vinayak Gaikwad.

...Petitioner

Versus

1.The General Manager, The Brihan Mumbai

Electric Supply & Transport Undertaking & Ors. ...Respondents

Mr.R.V.Bansode, for the Petitioner.

Mr.P.P.Kakade, AGP for the State-Respondent.

Mr.Aseem Naphade with Arsh Misra & Hina Shaikh I/b. M.V.Kini & Co.,
for BEST-Respondent.

**CORAM : NARESH H. PATIL, ACTING CJ. &
G.S. KULKARNI, J.**

DATE : 26^h OCTOBER, 2018

P.C.:

1. A report is received from the team of experts of Sir.J.J.Group of Hospitals. The report is taken on record and marked "X". The expert committee opined that the petitioner has a disability of 19%. The expert committee considering clinical and radiological diagnosis of cervical and lumber spondylosis opined that he is not fit for drivers duty permanently.

2. The learned Counsel for the Corporation submits that in such cases 88 persons were considered for last ten years and benefits of policy in such cases include (i) grant of invalidate compensation as per prescribed norms, (ii) on application being made by the dependent with necessary qualification as prescribed by rule, employment in the BEST will be provided as and when vacancy arises.

3. The learned Counsel for the petitioner on instructions of the petitioner submits that the petitioner is ready and willing to abide by the policy of the Corporation.

4. In view of the same, we observe that the Corporation may take policy decision in respect of the petitioner within two weeks and communicate the same to the petitioner and thereafter on receipt of an application from the dependent of the petitioner, would take further decision on its own merits and communicate the same to the petitioner as expeditiously as possible within four weeks thereafter.

5. The Writ petition is accordingly disposed of.