

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.506 OF 2018

Suresh Govind Bhatt ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

WITH
WRIT PETITION NO.507 OF 2018

Manzoor Ahmed Ansari ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

WITH
WRIT PETITION NO.508 OF 2018

R.L. Mishra ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

WITH
WRIT PETITION NO.509 OF 2018

Siddique Chand Shaikh ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

WITH
WRIT PETITION NO.510 OF 2018

Sudam Onkar Patil ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

WITH
WRIT PETITION NO.511 OF 2018

Anil V. Pradhan ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

**WITH
WRIT PETITION NO.512 OF 2018**

Vishnukumar Manilal Patel ...Petitioner
vs.
Bhiwandi Nizampur Municipal Corporation & Ors....Respondents

Mr. R. S. Apte, Senior Advocate a/w. Mr. N.G. Helekar, for the
Petitioners.
Ms. S.D. Ghaisal, for the Respondent Nos. 1 and 2.

**CORAM : SHANTANU KEMKAR &
R.G. KETKAR, JJ.**

DATE : FEBRUARY 20, 2018

P.C.:

. In the earlier round of litigation, this Court has passed the following order while disposing the Writ Petition No. 12576 of 2016 vide order dated 27th October, 2016.

“7. We accordingly propose to dispose of the Petition by directing the Respondent-Corporation to issue a show cause notice to the Petitioners within a period of four weeks from today as also supply to the Petitioners all the material on the basis of which proposed action would be taken against the Petitioners. The Petitioners shall submit their respective replies within a period of two weeks thereafter. The Petitioners thereafter be heard on these show cause notices and a final order be passed by the Municipal Corporation on the basis of the material which would be available in adjudication of

the show cause notices. The final order be passed within a period of six weeks from the receipt of the replies of the Petition.”

2. According to the Petitioners in pursuance of the aforesaid orders, the Respondents had issued show cause notices to the Petitioners to which they had filed detailed reply. Thereafter, the Commissioner of the Respondent-Municipal Corporation heard the Petitioners and passed the impugned order dated 13th October, 2017.

3. The case of the Petitioners is that the grounds raised by them in reply to the show cause notices have not been considered and by a non speaking impugned order, the Petitioners' promotion have been cancelled with the retrospective effect. Feeling aggrieved, the Petitioners have filed these Petitions.

4. Having heard the learned counsel for the parties and having gone through the impugned order dated 13th October, 2017, we find that the order has been passed mechanically. No reasons have been assigned in the impugned order so as to reject the grounds raised by the Petitioners in their reply to the show cause notices.

5. In the circumstances, for the reason that the impugned order is a non speaking order, we set aside the same and remit the

matters back to the Commissioner, Municipal Corporation for passing fresh orders after giving due opportunity to the Petitioners.

6. The Commissioner is expected to pass a reasoned order dealing with all the contentions as raised by the Petitioners in their reply to the show cause notices.

7. Let this be done within four months from the date of receipt of copy of this order.

8. All the Petitions are disposed of as such.

(R.G.KETKAR, J.)

(SHANTANU KEMKAR, J.)