

(1)

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

WRIT PETITION NO.3184 OF 2019

Vijay S/o Suryabhan Vahadane
Age: 61 years, Occu: President of
Kopargaon Municipal Council
R/o : 'Vasant Smruti', Gurudwara Road,
Kopargaon, Dist. Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai.
2. The Principal Secretary
General Administration Department,
Mantralaya, Mumbai
3. The Director, Municipal Administration,
3rd Floor, Government Transport Service Building
Sir Pochkhanwala Road, Waroli,
Mumbai-30
4. The District Collector,
Ahmednagar
5. The Municipal Council,
Kopargaon, Dist. Ahmednagar

..RESPONDENTS

Mr Ajinkya Kale, Advocate holding for Mr S. B. Talekar, Advocate for
petitioner;

Mr K. N. Lokhande, A.G.P. for respondent Nos.1 to 4

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 7th March, 2019

ORAL ORDER:

Heard Mr Kale, learned Counsel holding for Mr Talekar, learned Counsel for petitioner.

2. A limited grievance is raised in the petition. The petitioner is a President of Kopargaon Municipal Council. On perusal of the documents placed on record, it reveals that the Municipal Council, Kopargaon is facing difficulties in effective functioning due to large number of posts are vacant in the Council. It seems that the petitioner had submitted representation with a request for taking appropriate steps for filling up the posts on 2nd June, 2017 to the Collector of Ahmednagar. A copy of said representation is placed on record. The another representation dated 23rd May, 2017 is also placed on record. A copy of Resolution passed by the Municipal Council in its general meeting dated 15th April, 2017 is also placed on record. The Director of Municipal Administration of the State is also apprised of this fact on 23rd May, 2018. It was brought to the notice of Director of Municipal Administration that in the Municipal Council, there are as many as 26 approved posts and out of these 26 posts, 18 posts are vacant. Out of these 18 posts 11 posts are in cadre of engineers and out of these 11 posts only 5 engineers are working and out of these 5 engineers, 4 engineers proceeded on long leave. The Principal Secretary, Urban Development Department is also apprised of this fact by way of representation dated 23rd May, 2018.

(3)

3. Learned Counsel for the petitioner is justified in submitting before this Court that with such a short fall of the officers, it would be not only difficult for the effective functioning of the Council but the same would lead to depriving and delaying in basic amenities to the residents of Kopargaon. The regular activities of water supply is also affected due to non availability of the posts of engineers. Non-availability of sufficient staff including engineers, the development activities are also being suffered.

4. Considering the aforesaid grievance, the petition is taken up for hearing/disposal at the admission stage.

5. Issue notice to respondents, returnable forthwith.

6. Leaned Asstt. Govt. Pleader waives service of notice for respondent Nos.1 to 4.

7. Respondent Nos.1 and 3 are directed to decide the representation dated 23rd May, 2018, as expeditiously as possible and not later than four weeks from today. We further direct that in case, the authorities find substance in the representation, they may take further steps facilitating the Municipal Council to have an effective and smooth functioning of the Council, in turn, the residents receiving the timely the basic amenities, such as, water, etc.

(4)

With the aforesaid observations/directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk