

(1)

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

WRIT PETITION NO. 1566 OF 2019

Deepak S/o Nagraj Bhalerao
Age: 59 years, Occu. Service (Safai Kamgar)
R/o Panchseel Nagar, Chopda,
Tq.Chopda, Dist. Jalgaon.

..PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai- 32.
- 2) The Director / Commissioner,
Municipal Council Administration,
Worli, Mumbai.
- 3) The Additional Commissioner,
Nasik Division, Nasik
- 4) The Chief Officer,
Municipal Council, Chopda
Tq. Chopda, Dist. Jalgaon

..RESPONDENTS

Mr Sandesh R. Patil, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondent Nos. 1 to 3

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

DATE : 25th February, 2019

ORAL ORDER:

Heard the learned Counsel for the petitioner.

(2)

2. On perusal of the documents placed on record and on the backdrop of the submissions of the learned Counsel, we are of a clear opinion that the alternate prayer in prayer clause (B) is without any support of a document placed on record, namely, copy of appeal and the later part of the prayer clause (B) namely, "grant regularization to the services of the petitioner on the post of Safai Kamgar", being as vague as it could be, cannot be considered by this Court. We may entertain the petition only on the backdrop of the part of prayer clause (B). to which we can safely say as a prelude.

3. The petitioner is an employee of Municipal Council, Chopda. Though the petitioner was receiving some paltry amount against the salary, the services of the petitioner were not regularized. It seems that, certain proceedings was initiated by the petitioner and some other employees raising grievance about regularization of services and the petitioners were unaware of the outcome of the proceedings for considerable long period. The petitioner, by taking recourse to the Right to Information Act, submitted an application to the Information Officer General Administration Department of Chopda Municipal Council, Chopda. In response to the application, the petitioner has been served with copy of a proposal submitted by the Chief Officer of Chopda Municipal Council, Chopda to the Desk Officer, Urban Development Department, Government of Maharashtra on 18th August, 2006. A copy of said proposal is placed on

(3)

record. Perusal of this document shows that it refers to the consideration of request for regularization in respect of fourteen employees of the Municipal Council working as Clerk, Nakerdar, Mukadam, Peon, Watchman, Safai Kamgar, etc. Then, this document further makes a reference to a proposal / proceeding submitted by five employees including the petitioner. Reference to the petitioner finds place at clause 4 in the concluding part of the proposal. Then it states that alongwith the necessary documents and also along with the information about the funds allocated to the Municipal Council, the proposal is submitted to the State Government for further action. As the learned Counsel submitted that the petitioner could only receive the information of this proposal by approaching the authority taking recourse to the Right to Information Act, the delay caused in approaching this Court is purely for unintentional and *bona-fide* reasons. It was also submitted by the Counsel that the petitioner is desirous of the decision on the proposal submitted to the State Government expeditiously.

4. Considering the aforesaid statement of the Counsel, on the backdrop of the proposal placed on record, referred to by us in our earlier part of the order, we see no impediment to dispose of the petition with a direction to the respondent No.1 - State Government to decide the proposal dated 18th August, 2006, if it is not decided till date, as expeditiously as possible and not later than twelve weeks from the order of this Court., needless to state on the merits of the proposal.

(4)

Writ Petition is accordingly disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

amj