

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION ST.NO.2970 OF 2019

Sukdeo Chatrulal Darveshi ...Petitioner
vs.
The Vasai Virar City
Municipal Corporation & Ors. ...Respondents

Mr.D.S.Patil for the Petitioner
Ms Rupali Shinde, AGP for State
Mr.A.G.Damle, Senior Advocate I/b Ms Swati Sagvekar
for the respondent Nos.1 to 3.

CORAM : RANJIT MORE AND
SMT.BHARATI H.DANGRE,JJ.
DATE : JULY 19, 2019

1 The petitioner being aggrieved by the order dated 20th December 2018 to which he refers to as a order of reversion has approached this Court invoking writ jurisdiction. The brief chronology of events reveal that the petitioner came to be appointed as a Sanitary Inspector with the respondent with effect from 1st November 1992 in pursuance of the appointment order dated 18th October 1992. The petitioner was handed over charge of the post of the Assistant Municipal Commissioner (Sanitation) by order dated 23rd November 2015. It is noted that the said order only confers additional charge upon the petitioner. The petitioner is deprived of the said charge by the impugned order dated 20th December 2018 to which he refers to as

order of reversion. The learned counsel for the petitioner would submit that the said order is posed in utter violation of the principles of natural justice since he was not offered any opportunity of hearing. Another important fact which is to be taken note of is by order dated 22nd September 2017 the petitioner was appointed to the post of Sanitary Inspector. However, till the impugned order dated 20th December 2018 was passed, he continued to hold the post of the Assistant Municipal Commissioner.

We have taken into consideration the chronology of facts and events which clearly disclose that the petitioner was appointed as a Sanitary Inspector and the charge of the post of Assistant Municipal Commissioner was given to him with effect from 23rd November 2015. He is deprived of the said charge by the impugned order dated 20th December 2018 but the respondents have posted him on his original post of Sanitary Inspector unmindful of the fact that in the meantime he was already promoted as a Senior Sanitary Inspector by order dated 22nd September 2017. This fact is not disputed by the learned Senior Counsel Shri Damle. He submitted that though the averment made in the petition are in favour of the petitioner to continue him on the post of the Assistant Municipal Commissioner since he has no right vested to continue to hold the said post and he needs to be repatriated back to his original post. He also noted that the respondent has put him back to the post of Sanitary Inspector whereas the

date on which the petitioner is already holding the post of Senior Sanitary Inspector with effect from 22nd September 2017. In such circumstances, though we are not inclined to interfere with the impugned order, we direct the respondents to post the petitioner on the post of Senior Sanitary Inspector. He is entitled to be paid salary for the said post and other permissible benefits from the date of his posting i.e 22nd September 2017.

2 With the aforesaid directions, Writ petition is disposed of.

(SMT.BHARATI DANGRE,J.)

(RANJIT MORE,J.)