

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.14135 OF 2017**

**Municipal Labour Union**

**Through its Secretary**

**..Petitioner**

**Versus**

**The State of Maharashtra and others**

**..Respondents**

**Mrs. Neeta Karnik a/w Ms. Payal Jain, Advocate for the  
Petitioner.**

**Mr. Y. S. Khochare, AGP for Respondent No.1.**

**Mr. R. S. Apte, Senior Advocate I/by Mr. N. R. Bubna, Advocate  
for Respondent Nos.2 & 3.**

**Mr. Sandesh Patil I/by Mr. P. S. Gole, Advocate for Respondent  
No.4.**

**CORAM : B. R. GAVAI &**

**N. J. JAMADAR, JJ.**

**DATE : 18<sup>th</sup> JANUARY, 2019**

**P.C.**

**1]** The Petitioner has approached this Court being aggrieved by the appointment of Respondent No.4 to the post of Chief Fire officer by order dated 2<sup>nd</sup> June 2016.

**2]** It is the contention of the Petitioner that the Respondent No.4 has been found guilty of various mis-conducts while he was working in parent employment of the Municipal Corporation of Greater Mumbai.

3] We find that the Petition deserves to be dismissed on two grounds, firstly, the Petition is filed by one labour union. The persons who are aggrieved by the appointment of the Respondent No.4 would be the persons who were entitled to compete with the Respondent No.4 and get the post. Such persons are not the persons from such a class which would not be in a position to approach this Court directly and seek redressal of the grievance. In that view of the matter, the present Petition at the behest of union would not be tenable in law. Secondly, though the Petitioner's appointment is of 2<sup>nd</sup> June 2016, challenge is made after a period of one year six months and four days. No satisfactory explanation for such a delay caused in filing the Petition is given. The information on which the Petitioner relies is issued by the Municipal Corporation on 17<sup>th</sup> May 2016. As such, had the Petitioner exercised due diligence, he could have approached the Court much earlier.

4] In that view of the matter, we are not inclined to entertain the present Petition in the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The Writ Petition is dismissed.

5]           However, we clarify that in the event, a person aggrieved approaches this Court, the rejection of the present Petition would not come in the way of such a person.

**[N. J. JAMADAR, J.]**

**[B. R. GAVAI, J.]**