

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5982/2006

Rajesh Nanasaheb Tayade & ors. Vs. State of Maharashtra & ors.
With

WRIT PETITION NO. 1610/2005

Ashok Dajiba Tatte & ors. Vs. Secretary, Govt. Of Maharashtra, Deptt. Mantralaya,
Mumbai – 32 & ors.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Writ Petition No. 5982/2006

Shri N. R. Saboo, Advocate for petitioner.
Ms. S. Haider, Assistant Government Pleader for respondent No.1.
Shri J. B. Kasat, Advocate for respondent No. 2

Writ Petition No. 1610/2005

None for the petitioner.
Ms. S. Haider, Assistant Government Pleader for respondent No. 1.
Shri J. B. Kasat, Advocate for respondent No. 2.
Shri N. R. Saboo, Advocate for 3 to 28.

CORAM : A.S.CHANDURKAR AND VINAY JOSHI, JJ.

DATED : FEBRUARY 05, 2020.

The petitioners in Writ Petition No. 1610/2005 have challenged the order dated 11.02.2005 that was issued by the Municipal Corporation, Amravati by which appointments made on Class-IV post on compassionate basis were modified and services of those appointees were absorbed in Class-III post from 11.02.2005. According to the petitioners by absorbing said 26 employees in the Class-III cadre ignoring the seniority of the petitioners over the said appointees, that order was bad in law. In Writ Petition No. 5982/2006 those appointees have sought grant of deem date in the Clerical cadre from 23.08.1996 instead of 11.02.2005.

2. During the pendency of writ petitions, the said petitioners in Writ Petition No. 5982/2006 have filed an additional affidavit in which it has been stated that on 25.10.2013, the Municipal Corporation has passed fresh order absorbing the said petitioners in service from 23.08.1996. This order dated 25.10.2013 has been challenged by some employees in Complaint (ULP) No. 1/2014 before the Industrial Court. Presently that order has been stayed. The petitioners therefore submit that the grievance with regard to the non-payment of arrears would be agitated by them after the said complaint is disposed of.

3. It is thus, seen that the petitioners in Writ Petition No. 1610/2005 have not amended that writ petition for challenging the subsequent order dated 25.10.2013 which supersedes the earlier order dated 11.02.2005. Hence, the relief sought by the petitioners in that writ petition cannot be considered by this Court. The grievance with regard to the order dated 25.10.2013 would be taken care in Complaint (ULP) No. 1/2014.

4. Hence, both writ petitions are disposed of. It is open for the petitioners in Writ Petition No. 5982/2006 to seek appropriate relief, if they so desire. Points raised in Writ Petition No. 1610/2005 for challenging the order dated 11.02.205 are kept open.

Rule is disposed of in both writ petitions. No costs.

JUDGE

JUDGE