

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

Writ Petition No. 6982 of 2017
Shahccn Sheikh and Others Vs. State of Maharashtra and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri B.W. Patil, Advocate for petitioner
Ms. Shamsi Haidar, AGP for the respondent Nos.1 and 3

**CORAM : CORAM : Z. A. HAQ, AND
MANISH PITALE, JJ.**

DATED : JANUARY 03, 2020

The petitioners herein have filed this writ petition seeking a direction to the respondent No.4 that the Chief Officer of the Municipal Council, Chimur to act upon resolution dated 12/04/2016, passed by the Municipal Council. It is claimed that as per the said resolution, the petitioners and another similarly situated person ought to have been absorbed in the service of the Municipal Council, Chimur. Reliance was also placed on the communication dated 13/12/2016, issued by the Joint Director, Directorate of Municipal Administration, Mumbai, whereby the said authority directed the Collector to take appropriate action in the matter.

2. In pursuance of the said direction of the Joint Director of the Directorate of Municipal

Administration, Mumbai, the Collector had sent a communication dated 05/01/2017 to the Chief Officer of the Municipal Council (respondent No.4) to take appropriate action and to submit report in the matter.

3. Record shows that on 09/02/2017, the respondent No.4 sent a report to the Collector giving certain reasons for not being able to absorb the petitioners and other similarly situated persons in the service of the Municipal Council.

4. While issuing notice for final disposal on 04/06/2018, this Court had directed the Collector, Chandrapur to see that appropriate action is taken by the respondent No.4 in response to the aforesaid communication dated 05/01/2017.

5. As noted above, the respondent No.4 had taken action by submitting the above mentioned report dated 09/02/2017. In this backdrop, it becomes evident that it is now for the Collector, Chandrapur (respondent No.3) to take appropriate decision in the matter on the basis of the report submitted by the respondent No.4.

6. In this backdrop, it becomes necessary to give direction to the respondent No.3 – Collector to take appropriate action in the matter. It is pointed out that now the Grampanchayats are no longer existing

and the Municipal Council has been formed. One of the aspects highlighted in the aforesaid report dated 09/02/2017, by the respondent No.4 was that the Grampanchayats had not forwarded the names of the petitioners for absorption. In this context, the resolution passed by the Municipal Council also assumes significance recommending the absorption of the petitioners. Therefore, this writ petition is disposed of with direction to the Collector to call for record of the erstwhile Grampanchayats along with all relevant material to take appropriate decision on the question of claim of absorption in service raised by the petitioners by independent application of mind to the entire relevant material.

7. The writ petition is disposed of in above terms.

JUDGE

JUDGE