

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

**CIVIL WRIT PETITION NO. 1028 OF 2019
WITH
INTERIM APPLICATION NO. 2358 OF 2019**

Mahanagarpalika Kamgar Karmachari ... Petitioners.
Sanghatana and anr.

V/s.

Kalyan Dombivali Municipal Transport
through Transport Manager and ors. ... Respondents.

Mr. Vaibhav Jagdale, i/b. Mr. Amol Baban Desai, advocate for petitioners.

Mr. A.S. Rao, advocate for respondent Nos. 1 and 2.

Ms. A.A. Purav, AGP for State.

**CORAM : SMT. SADHANA S. JADHAV &
SARANG V. KOTWAL, JJ.**

DATE : AUGUST 9, 2021.

P.C.

1 Present petition is filed by the Petitioners mainly for prayer clause (a) which reads thus :

“(a) That this Hon’ble Court may be pleased to issue a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding and directing the Respondent Nos. 1 and

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This order is modified as per the Speaking to the minutes of the order dated 24/8/2021.

2 to apply Maharashtra Civil Services (Pension) Rules, 1982 to the employees of the Respondent No. 1 who have joined its employment prior to 1st November, 2005.”

2 Heard the learned Counsel for the parties. Our attention is drawn to the circular dated 8th January, 2013 issued by the Commissioner of Kalyan Dombivali Municipal Corporation, adopting Maharashtra Civil Services(Pension) Rules, 1982. The grievance of the petitioners is that benefit of that circular was not given to the petitioners, who had joined the employment prior to 1/11/2005.

3 Paragraph-10 of the affidavit in reply filed on behalf of the respondent Nos. 1 and 2 reads thus:

“10. I say that so far as the employees who have joined the services prior to 1.11.2005 are concerned, as on today there are no such orders for applying the said rules to them with retrospective effect and hence the present petition filed by the Petitioner is premature and without any cause of action accrued to the petitioner and hence the same deserves to be dismissed.”

4 Shri Rao, learned Counsel appearing for respondent No. 1 and 2 had further clarified that benefit of the circular dated 8/1/2013 would be given to all the employees in transport undertaking of Kalyan Dombivali Municipal Corporation, who were in service on the date of issuance of circular dated 8th January, 2013. Learned Counsel for the Petitioners is satisfied with this clarification and does not seek further directions. In view of this, Petition is disposed of.

5 In view of this order, Respondent Nos. 1 and 2 are directed to clear dues of the Petitioners, within a period of 4 months from today.

6 In view of disposal of the Writ Petition, Interim Application is also disposed of.

(SARANG V. KOTWAL, J)

(SMT. SADHANA S. JADHAV, J)