

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

WRIT PETITION NO.5457/2018
Pravin Prabhakar Deshpande and others
..Vs..
The State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.P Bhandarkar, Advocate with Mr. T.J. Patil, Advocate for the
petitioners.
Mr. D.P Thakare, Additional Government Pleader for respondent Nos.1, 2,
5 to 8.
Mr. Rahul Tajne, Advocate for respondent No.3.
Mr. V.D. Darne, Advocate for respondent No.4.

CORAM :- SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.
DATED :- 5.10.2021.

Heard Shri Bhandarkar, learned counsel for the
petitioners, learned Additional Government Pleader and
learned counsel for the respondents.

2. The petitioners contend that they were engaged as
casual workers by the different Grampanchayats and
there was a resolution passed by Municipal Corporation,
Yavatmal in its meeting held on 2nd February, 2016,
regarding their absorption in Municipal Council,
Yavatmal following merger of the Grampanchayats into
Municipal Council area due to increase in the territorial
limits of the Municipal Council, subject to the conditions
mentioned therein and yet, the petitioners are not being
absorbed by Municipal Council, Yavatmal.

3. It is the contention of learned counsel for the petitioners that the reliance placed by Municipal Council, Yavatmal on the Government Resolution dated 5.7.2016 is misplaced. He submits that well before the Government Resolution was issued, decision regarding their absorption in Municipal Council, Yavatmal was taken and even appointment orders though conditional, were issued to the petitioners, which facts have made the petitioners as temporary employees of Municipal Council, Yavatmal and, therefore, now the petitioners are entitled to be absorbed in regular service of Municipal Council, Yavatmal.

4. On going through the documents filed along with the petition, we find that many of the contentions raised before this Court have not been raised before the competent authority and, therefore, there was no occasion for the competent authority to take any decision in respect of the same. With this, we are of the opinion that it would be in the interest of justice that this petition is treated by respondent Nos.7 and 8 as a representation made to them and then a decision is taken in respect of the submissions made in this petition by these respondents, in accordance with law.

5. Accordingly, we partly allow this petition.

6. We direct that this petition shall be treated by respondent Nos.7 and 8 as representation duly made to them and we further direct respondent Nos.7 and 8 to

decide this representation, in accordance with law, within a period of three months from the date of the order.

7. The petition is disposed of in the above terms. No costs.

JUDGE

JUDGE