

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 3283 OF 2021
IN
WRIT PETITION NO. 1251 OF 2015

Bhanudas s/o Jaywanta Sonwane

...Applicant

Versus

Municipal Council, Sillod & Anr.

...Respondents

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Shri. A. S. Shelke, Advocate for the applicant

Shri. S. D. Hiwrekar, Advocate for petitioner in WP

Shri. A. D. Namde a/w Shri. Y. A. Nande, Advocate for respondent
no. 2

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CORAM : BHARATI H. DANGRE, J.

DATE : FEBRUARY 10TH, 2022

PER COURT : -

1. By the present application, the employee/the respondent in
Writ Petition has sought the following directions :

“B. The non-applicant be directed to issue the permanency order in favour of the applicant in view of the available vacancies of Valveman under the establishment of non-applicant no. 1.

C. The Non-applicant be directed to send proposal of the applicant for regularization in tune with order dated 01.07.2000 issued by Directorate of Municipal Administration, Mumbai and the Directorate of Municipal Administration, Mumbai be directed to decide the proposal within a period of 4 months from the date of order.”

. This relief is sought in the background of the order passed by this Court on 22.02.2016 in the Writ petition instituted by the Municipal Council, Sillod, being aggrieved by the judgment delivered by the Labour Court, Aurangabad by which Reference (IDA) No. 12/2001 filed by the respondent has been answered in the affirmative.

. On 22.02.2016, the petition came to be admitted and following direction was issued.

“12. The respondent shall be continued in employment pursuant to his reinstatement on 2.2.2015 till the disposal of this petition. Nevertheless, this protection shall not include a case of misconduct or disciplinary proceeding.

13. The petitioner shall deposit an amount of 50% back wages to be computed from the date of the award i.e. 1.8.2014 till the date of reinstatement of the respondent i.e. 2.2.2015 at the rate of wages payable to the respondent as in February, 2015. The said amount shall be deposited within a period of 12 weeks from today in this Court, subject to which the impugned award shall stand stayed.”

2. There is no dispute at the end of the respondent that the said order has been complied with. However, in the wake of his long service rendered on daily wages, he is seeking an order of permanency and by the present civil application seek a direction to the non-applicant to send a proposal of regularization in terms of the order issued by the RDMA and a direction is sought to the RDMA to decide the proposal within a period of four months.

3. Heard the learned Counsel for the applicant and the learned counsel for respondent no. 2.

4. The learned Special Counsel appearing for respondent no. 2 has placed before me the record pertaining to his office and on it's perusal, it can be seen that the Chief Executive Officer, Municipal Council, Sillod has forwarded a proposal to the District Assistant Commissioner, Municipal Administration on 28.01.2022 with reference to a letter from his office dated 28.01.2022 seeking information about the employment of Shri. Bhanudas Jaywant Sonawane, who was working on daily wages since 05.08.1991. Reference is also made about his non-resuming of duties since 17.07.1996 and after making the reference to the decision of the Labour Court, Aurangabad in Reference (IDA) No. 12/2001, his service details are sought for. Accordingly, the Chief Executive Officer has forwarded the said details. The Asst. Commissioner, Municipal Administration has then forwarded a proposal to the Dy. Commissioner of Municipal Council, Administrative Branch in the office of Dy. Commissioner, Aurangabad on 08.02.2022 in the form of proposal for his absorption. In the wake of the said proposal being forwarded to the Dy. Commissioner of Municipal Council,

Administrative Branch in the office of Dy. Commissioner, Aurangabad, it is informed by Dr. Neelam Vikram Patil, Assistant Commissioner Group A, Divisional Commissioner Office, Aurangabad, who is present in the Court, that the final decision would be taken by this authority.

. In the wake of the above, on inspection of the file, it is apparent that a proposal for absorption of the applicant is already in process and since it is forwarded to the Dy. Commissioner of Municipal Council, Administrative Branch in the office of Dy. Commissioner, Aurangabad on 08.02.2022, said authority shall take a decision on the said proposal within a period of eight (08) weeks from today, which shall be communicated to the applicant.

5. In the wake of the aforesaid directions, the civil application is disposed off.

[BHARATI H. DANGRE]
JUDGE