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

**INTERIM APPLICATION NO. 1545 OF 2022
IN
WRIT PETITION NO. 3496 OF 2012**

Kalyan Dombivali Municipal
Corporation

.. Applicant

In the matter between:

Anil Haribhau Lad & Ors.
Vs.

.. Petitioners

Kalyan Dombivali Municipal
Corporation & Anr.

.. Respondents

Mr. A. S. Rao for applicant/org. respondent no.1 (KDMC).

Mr. I. M. Kahirdi for petitioners.

Mr. M. M. Pabale, AGP for respondent nos.1 and 2/State.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE : OCTOBER 20, 2022

P.C.:

1. Kalyan Dombivli Municipal Corporation is the applicant in Interim Application No. 1545 of 2022. It is seeking leave of this Court to grant promotion to the petitioner no.3. Such application has been filed in view of paragraph 5 of the order dated October 10, 2013 passed by a coordinate Bench of this Court on the writ petition.

2. We have noticed from the orders passed on the writ petition that the coordinate Benches have proceeded on the premise that there was absolutely no power conferred by

the statute on the Municipal Corporation to impose the penalty of removal on each of the petitioners after they had been visited with minor penalty of stoppage of one increment imposed by the Municipal Commissioner.

3. At this stage, it is not disputed that the disciplinary proceedings that were initiated against the petitioners were governed by the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. Provisions contained in rules 25 and 25A thereof tend to suggest that some power is available for revising/reviewing an order passed by the disciplinary authority *suo motu* by the authority mentioned therein. This aspect needs to be considered at the time of final hearing of the writ petition.

4. We do not propose to grant any relief on this application. The same is dismissed. No costs.

WRIT PETITION NO. 3496 OF 2012

1. Since the writ petition is pending for a decade, it warrants immediate listing for final disposal.

2. List the writ petition for final hearing on **15th November, 2022.**

(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)