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

WRIT PETITION NO. 9216 OF 2021

Rajendra Bhaurao Gaikwad

..... Petitioner

Vs.

The Pimpri Chinchwad
Municipal Corporation & Ors.

..... Respondents

Mr. R. G. Panchal a/w. Mr. Sarang S. Gundajwar for the Petitioner
Mr. Deepak R. More a/w. Mr. Shivam Gawade for Respondent No.1

**CORAM: S.V.GANGAPURWALA, ACJ &
S.G.CHAPALGAONKAR, J.**

DATED : DECEMBER 23, 2022

P.C.

1 The learned Counsel for the Petitioner submits that on 20th April 1998 the Petitioner was appointed as an MPW. The Petitioner, in the list of persons appointed as MPW under the said order, was at Sr.No.3. According to the learned Counsel, the date of joining cannot be relevant to determine the seniority list. The seniority list would be as per the serial number in the appointment order. The Petitioner did not challenge the seniority list earlier because, prior to 2020 the avenue of promotion was not open to the Petitioner. Clause 15 of the appointment order dated 20th April 1998 is against the Rules.

2 The learned AGP for the Respondents submits that the Petitioner never challenged Clause 15 of the appointment order which states that the date of joining would be relevant for computing the seniority. Two persons against whom the Petitioner has grievance, have joined their services on 30th April 1998 and 2nd May 1998. The Petitioner joined on 5th May 1998. The seniority was published for the first time after the Petitioner joined the service in the year 2000. The Petitioner was shown at Sr.No.12. The Petitioner did not challenge the seniority list at any point of time.

3 It is not disputed that the Petitioner, at no point of time, raised grievance to Clause 15 of the appointment order dated 20th April 1998. Clause 15 provides that the seniority list will be computed from the date the candidate actually joins the service. It is submitted that the other two persons joined on 30th April 1998 and 2nd May 1998. The Petitioner joined on 5th May 1998. Moreover, as per the affidavit filed by the Respondents, the seniority list was published in the year 2000. The Petitioner was at Sr.No.12, however, the other two persons were above the Petitioner. The Petitioner did not challenge the seniority list. The seniority lists were published consistently. The Petitioner never challenged the same.

4 It would be too late in the day for the Petitioner to challenge the seniority list and clause 15 of the appointment order after 22 years.

5 In light of that, no relief can be granted to the Petitioner. The Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR, J)

(ACTING CHIEF JUSTICE)