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

**WRIT PETITION NO.8898 OF 2021**

Avinash Ganpat Jagtap

...Petitioner

V/s.

Brihanmumbai Municipal Corporation  
Head Office & Ors.

...Respondents

Mr. Prathamesh A. Gokhale for petitioner.

Mr. Santosh Parad for respondent-MCGM.

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

**DATE: OCTOBER 18, 2022**

**P.C.:**

- 1.** Leave is granted to the petitioner to insert an additional prayer in the prayer clauses.
- 2.** The petitioner was an employee of the Municipal Corporation of Greater Mumbai (MCGM). He was prosecuted before the concerned criminal Court under sections 7, 12, 13(2) read with 13 (1) (d) of the Prevention of Corruption Act, 1988. The Sessions Court, by a judgment and order dated 18<sup>th</sup> April 2018, convicted the petitioner and sentenced him to suffer rigorous imprisonment for two years and also to pay fine of Rs.15,000/-; in default whereof, to suffer further simple imprisonment for four months.
- 3.** Upon coming to learn of such conviction, the Deputy Municipal Commissioner (Special Engineering), MCGM by an

order dated 31<sup>st</sup> August 2019 terminated the services of the petitioner with effect from the date of service of such order.

**4.** Challenging the order dated 31<sup>st</sup> August 2019, the petitioner has filed appeal before the Municipal Commissioner, MCGM on 30<sup>th</sup> September 2019. The said appeal is at page 81A of the writ petition.

**5.** Grievance of the petitioner is that though he has been visited with termination of service because of the conviction recorded by the Sessions Court, MCGM has not taken similar action against two other officers who have suffered orders of conviction and sentence passed by the appropriate Courts. A case of discrimination is sought to be made by the petitioner.

**6.** We need not examine the merits of the challenge raised by the petitioner, in view of pendency of his appeal dated 30<sup>th</sup> September 2019 referred to above.

**7.** The writ petition is disposed of with a direction to the Municipal Commissioner, MCGM to consider and dispose of the said appeal in accordance with law as early as possible, but positively within six weeks from date of receipt of a copy of this order together with an additional copy of the appeal.

**8.** All contentions are left open.

**9.** No costs.

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**(MADHAV J. JAMDAR, J.)**

**(CHIEF JUSTICE)**