

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1078 OF 2022

Manasi Mahesh Parab & Ors. ...Petitioners

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

Mr. Vinod Sangvikar for the petitioner.

Ms. Rupali Adhate for respondent nos. 1 & 2/MCGM.

Mr. Sukanta Karmakar, AGP for respondent no. 3/State.

Ms. Sushma Tawre, Administrative Officer, is present.

**CORAM: DIPANKAR DATTA, CJ &
V. G. BISHT, J.**

DATE: APRIL 26, 2022

P.C.:

1. This writ petition is instituted by 23 petitioners seeking *inter alia* the following relief: -

"B. This Hon'ble Court may graciously be pleased to call for the records from Respondent No. 1 and 2 and after examining the same, issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the Respondent No. 1 and 2 to implement Corporation Resolution dt. 28.11.2000 bearing No. 835 (**Exhibit "D"**) in time bound manner and further direct the Respondents to grant all the consequential, incidental benefits arising therefrom including pay fixation in accordance with Time Bound Pay Scale benefits, with retrospective effect by preparing a common Seniority List to the Petitioners in time bound manner and preferably within outer limit of 8 weeks;

C. The Hon'ble Court be pleased to direct the Respondent No. 1 and 2 to scrupulously act as per the office note dated 20.02.2010 bearing No. MRT/1410 as approved by the Ld. Commissioner and further direct the Respondent No. 1 and 2 to grant all the benefits to petitioners with retrospective effect by preparing common Seniority List in time bound manner and preferably within outer limit of 8 weeks;

D. The Hon'ble Court be pleased to quash and set aside the seniority list prepared in the year 2007 and further direct to Respondent No. 1 and 2 to prepare fresh common seniority list by adding petitioners names as per the Corporation Resolution dt. 28.11.2000 bearing No. 835 within time bound manner and preferably within outer limit of 8 weeks;

E. The Hon'ble Court be pleased to direct the Respondents to initiate action including departmental action as per service rules against all the concerned officers who violated the mandates of the Sec. 64C of the Mumbai Municipal Corporation Act, 1988 and failed to act as per the Ld. Commissioner's sanction in 2010 to prepare revised seniority list;"

2. In course of hearing, Mr. Sangvikar, learned advocate for the petitioners, submits that prayer (d) will not be pressed. In view thereof, prayer (d) stands rejected.

3. Having regard to the nature of relief claimed by the petitioners as noted above and particularly having regard to the fact that a representation of the petitioners dated 2nd August 2021 addressed to the Municipal Commissioner seeking grant of benefit of seniority and related benefits under resolution no. 835 dated 28th November 2000 is pending, we are of the opinion that no useful purpose would be served by keeping this writ petition pending. The same stands disposed of with a direction upon the Municipal

Commissioner to either consider the representation himself or have the same considered by the Additional Municipal Commissioner (City) to consider the grievances raised in such representation.

4. Disposal of the representation shall be preceded by an opportunity of hearing to the authorized representatives of the petitioners. If any decision is taken adverse to the interest of the petitioners, a reasoned order shall be passed.

5. If, however, an order favourable to the petitioners is required to be passed and such order is likely to affect other employee/officers, no such order shall be made without putting them on notice.

6. We also make it clear that no order shall be passed on such representation disturbing the seniority list prepared in 2007.

7. Let this exercise of consideration and disposal be completed as early as possible, but preferably within three (3) months from date of receipt of a copy of this order.

8. No costs.

9. All other contentions are left open.

(V. G. BISHT, J.)

(CHIEF JUSTICE)

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signed by
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