

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 298/2017 AND C.A.W. NO. 1612/2021

(RAJESH PRABHAKAR BHALERAO **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri H.D. Futane, counsel for the applicant-petitioner.
 Ms H.N. Jaipurkar, A.G.P for the R-1 to 4.
 Shri Abhay Sambre, counsel for the R-5.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : FEBRUARY 22, 2022.

The petitioner who is holding the post of Sanitary Inspector with Municipal Council, Buldana seeks his appointment to be made permanent. By filing Civil Application No.1612 of 2021 the petitioner relies upon the adjudication in Revision (ULP) No.54 of 2010 by which the Industrial Court has partly allowed the revision application preferred by the Municipal Council and held that the termination of his services was illegal. On the basis of Circular dated 09.04.2019 it is prayed that the Regional Director of Municipal Administration be directed to consider the proposal for seeking regularization of the applicant's services from 2015 onwards. The petitioner claims parity on the basis of the judgment in Writ Petition No.4449 of 2013 decided on 23.11.2015 against Municipal Council, Buldana.

The learned counsel for the Municipal Council submits that it is within the jurisdiction of the Regional Director of Municipal Administration to consider the prayer for such regularization.

The prayer as made can be considered by the respondent no.3. Accordingly, the writ petition is disposed of by directing the respondent no.3 to consider the claim for regularization of the petitioner in accordance with law. For said purpose, the petitioner shall appear before the Divisional Commissioner on 01.03.2022. The Chief Officer shall also depute a responsible person from his Office to co-operate in the adjudication. The decision be taken within a period of four weeks from the first date of the proceedings before the Divisional Commissioner.

It is noted that as the services of the applicant-petitioner are protected with the adjudication of Revision (ULP) No.54 of 2010, Prayer Clause (2) in the writ petition now does not survive. In the light of aforesaid direction, the writ petition and civil application are disposed of. Rule accordingly. No costs.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)

APTE