

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.11288 OF 2022
IN WP/1251/2015**

**THE COMMISSIONER AND DIRECTOR
VERSUS
BHANUDAS JAYWANTA SONAWANE AND ANOTHER**

...

Mr. A. D. Namde, Advocate for the Applicant.

Mr. S. D. Hiwrekar, Advocate for the Petitioner in WP.

Mr. A. S. Shelke, Advocate for for Sole Respondent in WP.

...

**CORAM : SHARMILA U. DESHMUKH, J.
DATED : 07th FEBRUARY, 2023.**

PER COURT:-

1. This civil application has been preferred by the applicant-Directorate of Municipal Administration, Worli, Mumbai seeking extension of time by six months to decide the representation of non-applicant no.2-Municipal Council Sillod as regards the regularization of the non-applicant no.1 i.e. Bhanudas s/o Jaywanta Sonwane.

2. Learned counsel for the applicant submits that by order dated 22.02.2016 passed by this Court, upon deposit of 50% of back wages by the Municipal Council, the order of the reinstatement of the petitioner was stayed. He would further submit that by subsequent order dated 10.02.2022 passed in Civil Application No.3283/2021 filed by the employee seeking regularization, this Court had directed that the proposal to be considered within a period of eight weeks.

3. I have considered the submissions of the learned counsel for the applicant.

4. Learned counsel has submitted that the order dated 10.02.2022 directing the applicant- Directorate of Municipal Administration, Worli, Mumbai to decide the application for regularization runs contrary to the order dated 22.02.2016, whereby the order of reinstatement itself has been stayed. By order dated 22.02.2016, this Court had directed that the respondent shall be continued in the employment pursuant to his reinstatement till the disposal of the petition.

5. In my opinion, by order dated 10.02.2022 the Directorate of Municipal Administration, Worli, Mumbai was directed to decide the representation of the respondent-employee within a period of eight weeks, which ought to have been done. In event the representation is rejected, the Petition No.1251/2015 will be taken up for consideration and in event the absorption is permitted then the award of the Labour Court directing reinstatement will be worked out. In such a situation it cannot be said that the orders passed in Writ Petition and in Civil Application are contrary to each other.

6. Considering the above, time granted by order dated 10.02.2022 to decide the proposal for absorption of the respondent-employee is extended for a further period of three months from today.

7. It is made clear that, if no final decision is taken by the authority within a period of three months, this Court will consider imposing costs for non-compliance of the orders of this

Court. It is also made clear that no further extension will be granted.

8. Civil Application is disposed of in the above terms.

(SHARMILA U. DESHMUKH)
JUDGE

Devendra/February-2023