

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11315 OF 2022

Satyajit Mohansingh Patil & Ors.

...Petitioners

V/s.

State of Maharashtra & Ors.

...Respondents

...

Mr. Mahindra Deshmukh, Advocate for the Petitioners.

Smt. R.A. Salunkhe, AGP for State.

Mr. Drupad Patil, a/w. Mr. R.Y. Sirsikar,, Advocate for Respondents
no.2 to 5-B.M.C.

Mr. P.V. Khistmatrao, Administrative Officer present.

...

**CORAM : DHIRAJ SINGH THAKUR AND
SANDEEP V. MARNE, JJ.**

DATED : 6 JULY 2023.

P.C. :

1. The grievance of the Petitioners in the present petition is that they were not being considered for promotion to the post of Executive Engineers in the Mumbai Municipal Corporation. Admittedly, there were no rules or policy in place which governed the promotion to the post of Executive Engineers. Pursuant to our order

dated 3 July 2023, when we had asked the learned Counsel for the Corporation to take instructions as to whether any policy was being framed in this regard, we are informed today, that a policy is now in place which would govern promotion to the post of Executive Engineers. We are informed that a common seniority list in the cadre of Assistant Engineers has since been framed and that the Petitioners would be considered strictly in accordance with the policy subject to availability of vacancies which are calculated at 52 up till 31 August 2023 which includes actual, as well as anticipated vacancies. We have also gone through the proposal sanctioned by the Municipal Commissioner which clearly indicates that in case any of the promotees promoted vide order dated 30 June 2022 are found to be junior to any of the direct recruits, then the direct recruits will be given the benefit of deemed promotion from the date the said promotion has been effected.

2. Although, Mr. Deshmukh, learned Counsel for the Petitioners tried to buttress the fact that certain Assistant Engineers have in the recent past, been promoted ignoring the better claim of the Petitioners, yet the said orders have neither been challenged in the petition nor have the said beneficiaries been incorporated as Respondents in the present petition. It would be open to the Petitioners to file a fresh comprehensive petition in case the Petitioners feel that any of their rights have been violated considering the new promotion policy which is now in place in the backdrop of the common seniority list framed by the Respondents. It is also made clear that in case the Petitioners have any grievance regarding their

placements in the common seniority list, it would be open to the Petitioners to make a representation before the Respondents for appropriate redressal.

3. The Writ Petition stands disposed of accordingly.

(SANDEEP V. MARNE, J.)

(DHIRAJ SINGH THAKUR, J.)

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