

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.336 OF 2023

Dinesh Ashok Thul

....Petitioner

V/S

Kalyan Dombivali Municipal
Corporation

....Respondents

...

Ms. Vrushali L. Maindad for the Petitioner.

Mr. Sandip D. Shinde for Respondent No.1.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 12 JANUARY 2023.

P.C.:

1 The claim of the Petitioner for appointment on the basis of Lad-page Committee Report in place of his uncle is rejected.

2 The learned Counsel for the Petitioner submits that the Petitioner is the nephew of the Safai Kamgar who has retired on attaining the age of superannuation. The learned Counsel submits that all the family members have given no objection for the appointment of the Petitioner, still the same has not been considered and claim of the Petitioner is rejected. The limitation period of one year shall not be construed technically. The object of Lad-page Committee Report has to be considered.

3 The learned Advocate for the Respondent submits that, infact, the Petitioner is a nephew of the Safai Kamkar, the son of the Safai Kamgar is already in service. The Application was filed after five years. The learned Advocate for the Respondent relies upon the judgment dated 5 September 2022 of the Apex Court in case of **Ahmednagar Mahanagar Palika vs. Ahmednagar Mahanagar Palika Kamgar Union.**

4 It is not disputed that the Petitioner is nephew of the Safai Kamgar who has retired on attaining the age of superannuation. The son of the Safai Kamgar is also in service.

5 In light of that we do not find any error in the order passed by the Respondent. Reference can also be made to the judgment of the Apex Court in case of **Ahmednagar Mahanagar Palika** (supra).

6 In light of that the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)