



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO. 3217 OF 2023

NANDED WAGHALA SHAHAR MAHANAGAR PALIKA KAMGAR
KARMACHARI UNION THROUGH PRESIDENT GANESH RAMA SHINGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER

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Shri P. R. Katneshwarkar i/by Mr. P. V. Barde, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for the Respondent State
Mr. V. D. Sapkal, Senior Advocate i/by Mr. R. K. Ingole, Advocate for
Respondent No.2

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 29th July, 2024

ORDER:

1. This matter was heard for some time. A pass over was granted for taking instructions. The learned Advocate submits on instructions that an appeal has been preferred under Section 456 (2) of the Maharashtra Municipal Corporation Act before Respondent No.1, on 29.10.2021. The same is still pending. It is prayed that the said Authority may decide the appeal within a period of 30 days.

2. In view of the above, **this Writ Petition is disposed off.**

3. Let Respondent No.1 decide the pending proceeding by following the due procedure laid down in law, within a period of 30

days from today. Thereafter, the decision be communicated to the Petitioner within a period of seven days.

4. We make it clear that we have not dealt with the issue of locus standi of the Petitioner vis-a-vis vacancies or posts of Class I and Class II categories. This aspect is kept open to be considered on merits.

5. In the event, there is a declaration of Model Code of Conduct, the same would not be an impediment for Respondent No.1 to decide the said appeal within the stipulated period.

6. For saving time, the Petitioner as well as the Municipal Corporation, Nanded agree to appear before Respondent No.1 on 6th August, 2024 at 12 noon. Notices are dispensed with. Needless to State, if the Petitioner Union is aggrieved by the decision of Respondent No.1, it is at liberty to approach the appropriate legal forum.

7. All contentions including objections as regards locus standi of the Petitioner are kept open.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan