

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 16130 OF 2023
IN
WRIT PETITION NO. 11769 OF 2023**

Mahendra Kacharu Rote and Ors.

.. Applicants

vs.

Municipal Corporation of Gr. Mumbai
& Ors.

.. Respondents

...

Ms. Kavita M. Pawar, for the Applicants.

Mr. R. Y. Sirsikar, for the Respondents.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 23rd FEBRUARY, 2024.

P. C.:

1. Interim Application is filed seeking amendment of the Petition. It appears that the Petitioner has failed to include prayer raising challenge to the impugned judgment and order dated 28th January, 2022 passed by the Industrial Court in Complaint (ULP) No. 172/2018.

2. Perused the Application. Considering nature of the amendment sought to be introduced, it is seen that the same is necessary for determining the real question of controversy between the parties.

3. The Interim Application is allowed.

4. The Petitioner is permitted to amend the Petition. Amendment to be carried out within a period of two weeks from today.

5. Ms. Pawar, the learned counsel for the Petitioners invites my attention to the circular dated 20th June, 2001, which *prima-facie* is in two parts. The first part relates to direct recruitment wherein life of the select list is specified as one year. The second part of circular deals with select list prepared in respect of selections through departmental candidates and for such selections, the life of the panel was declared as two years. She would submit that the selection involved in the present Petition is departmental selection and not direct recruitment and that therefore the life of the panel ought to have been retained as two years as per circular dated 20th June, 2001. *Prima-facie*, it appears that the Industrial Court has not considered the second part of the circular dated 20th June, 2001.

6. Mr. Sirsikar, the learned counsel for the Respondent Municipal Corporation seeks time to file Affidavit-in-Reply. Let Affidavit-in-Reply be filed within a period of four weeks from today.

7. List the Petition for admission on 1st April, 2024.