



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

WRIT PETITION NO.14641 OF 2024

Purushottam Sugriv Dhawal and ors. ..Petitioners

vs.

Kalyan Dombivali Municipal Corporation
and ors. ..Respondents

Adv. Ashwini Jadhav i/b. Adv. Jagdish Aradwad Reddy, for the
Petitioner.

Adv. Sandeep D. Shinde, for Respondents.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 25th JUNE, 2025

P.C. :

1. Heard learned counsel for the parties.
2. The Petitioners by this Petition pray for quashing and setting aside the impugned order dated 30/06/2023 passed by the Deputy Commissioner (Administration) KDMC rejecting the application for grant of deemed date with effect from 09/12/1999 on the ground that there is no order passed by any competent court of law to that effect. The Petitioners pray for appropriate direction to the KDMC to grant benefit of pay fixation to the Petitioners with effect

from 09/12/1999 and further grant benefit of financial up-gradation under ACP Scheme on completion of 12 years of regular service from the date of appointment as granted to the other similarly situated 170 employees of the KDMC.

3. Learned counsel for the Petitioners invited our attention to the order dated 16/09/2021 passed by this Court in Writ Petition No.1493 of 2020 in respect of similarly situated employees. This Court had directed the KDMC to decide the said representations. In view of such directions the employees concerned were granted the benefits by an order dated 18/05/2022. Likewise around 100 employees were granted similar benefit as the Petitioners are claiming by an order dated 19/12/2022 which is at page 74 of the paper-book.

4. The Petitioners being similarly situated made a representation on 26/12/2022 for similar reliefs.

5. The Respondent-Corporation by the impugned order dated 30/06/2023 rejected the request made for deemed date from 09/12/1999 only on the ground that there is no specific order of this Court.

6. In our view, once similarly situated employees as the Petitioners have been granted the benefits by the orders dated 18/05/2022 and 19/12/2022, then on a representation made by the Petitioners, the Petitioners should have been granted similar benefits. However, the request is rejected only because there is no specific order of this Court.

7. Though Mr. Shinde, learned counsel for Respondents tried to justify the order dated 19/12/2022 by submitting that it is only on the basis of the representation made and pursuant to an order passed by this Court that the request made by the Petitioners can be considered, however, we are of the opinion that similarly situated employees need not every time approach this Court to obtain similar reliefs.

8. We were inclined to allow the Petition and grant the reliefs as prayed for, as the Petitioners undoubtedly are similarly situated employees as the employees who are benefited by the orders dated 18/05/2022 and 19/12/2022. Mr. Shinde however submitted that the Petitioners having

made a representation and as the Respondents upon consideration of the representation will take a pragmatic view of the matter and issue appropriate orders on completing the necessary formalities, we direct the Corporation to take appropriate decision on the representation dated 10/07/2024 in the light of the orders made in respect of similarly situated employees, within a period of six weeks from today.

9. Learned counsel for the Petitioners submitted that they will co-operate with the Corporation.

10. The Writ Petition is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)