

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2196 OF 2024**

Sunil Narayan Madne

...Petitioner

Versus

Brihanmumbai Municipal Corporation

...Respondent

Mr. Yashodeep Deshmukh a/w K. Amol and Ameya Tawde i/by K1 Legal for
the Petitioner.

Mr. Prashant Kamble a/w Pratik Garde for Respondent-BMC.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 28 APRIL, 2026

PC.:-

1. Having heard the learned counsel for the parties as well as considering the prayer sought for namely for setting aside the awarded punishment of Petitioner on the ground that the then Municipal Commissioner had no jurisdiction to punish the Petitioner by withholding the Petitioner's pension permanently and that the jurisdiction vested with the Standing Committee, we set aside the order dated 29 November 2023 (Exh.-EE to the Petition) passed by the then Municipal Commissioner and remand the matter back to the Standing Committee of the Respondent-BMC.

2. The Petitioner is at liberty to make a representation before the Standing Committee of the Respondent-BMC and upon filing of

recommendation and within a period of 8 weeks therefrom the Standing Committee of the Respondent-BMC shall decide the representation of the Petitioner and pass order which shall be communicated to the Petitioner within a period of one week therefrom.

3. The rights and contentions of the parties in the present Petition are expressly kept open.

4. Insofar as the prayer in the Petition with regard to the provision of the retirement benefits of the Petitioner i.e. Provident Fund, gratuity, encashment of leave, arrears of pending pension and arrears of 7th pay commission and such any other post retirement dues since 1 May 2019 which the Petitioner has claimed shall be considered by the Respondent-BMC within a period of 8 weeks from today.

5. We have not expressed any opinion on the merits of the present Writ Petition.

6. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]