



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.6632 OF 2025

Uttam S/o Sadashiv Narale,
Aged about 48 years,
Occupation: Service,
R/o. Sambhaji Nagar, Digras,
Tah. Digras, Distt- Yavatmal.

: PETITIONER

...VERSUS...

1. The Commissioner and Directorate of
Municipal Administration,
3rd Floor, GTS Building,
Sir Pochkhanwala Road,
Worli, Mumbai.
2. The Divisional Commissioner &
Regional Director,
Municipal Administration,
Amravati Division,
Amravati.
3. The Officer on Special Duty (OSD)
to the Hon'ble Minister of Soil and
Water Conservation, Maharashtra State,
Mantralaya,
Mumbai-400032.
4. The Municipal Council, Digras,
through its Chief Officer,
Tah. Digras,
District - Yavatmal.

: RESPONDENTS

=====

Mr. T.U. Tathod, Advocate for Petitioner.

Mrs. M.S. Naik, Assistant Government Pleader for Respondent Nos.1
to 3.

Mr. P.P. Deshmukh, Advocate for Respondent No.4.

=====

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **23rd JANUARY, 2026.**
PRONOUNCED ON : **29th JANUARY, 2026.**

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally by the consent of the parties.

2. Present petition takes exception to the communication/relieving order dated 03.10.2025 issued by the respondent No.4 i.e. the Chief Officer, Municipal Council, Digras and the communication dated 01.10.2025 issued by the respondent No.3 i.e. Officer on Special Duty, it being illegal and without any legal authority in that regard.

3. The facts as can be seen from the petition are as under :

The petitioner herein was working on daily wages basis with the respondent No.4-Municipal Council, Digras from 10.03.1993. Even for working for several years, since he was not regularized, he had to approach the Industrial Court, Yavatmal by filing Complaint ULP No.01/2004 which Court vide its Judgment and Award dated 10.11.2006 directed the employer i.e. respondent No.4 to extend permanency benefits to the petitioner with full

monetary benefits. This Judgment and award of the Industrial Court was confirmed till the Hon'ble Supreme Court since the challenge to the said award failed. The respondent No.1, therefore, issued an order on 30th June, 2018 by granting permanency to the services of the petitioner as a Peon i.e. Class-IV employee with the respondent No.4-Municipal Council, Digras w.e.f. 07.05.2002. Accordingly, an appointment order was issued in favour of the petitioner on 06.07.2018.

4. It is the contention of the petitioner that he being a Class-IV employee with the respondent No.4 is governed by provision of Section 76 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and his services do not come under the State cadre. He, therefore, contends that the respondent No.3 i.e. the Officer on Special Duty has no authority to issue a communication dated 01.10.2025 asking the respondent No.4 to relieve the petitioner from his duty as a Peon and to send him on deputation with the Office of the Guardian Minister.

5. We have heard Mr. T.U. Tathod, learned counsel for the petitioner, Mrs. M.S. Naik, learned Assistant Government Pleader for the respondent Nos.1 to 3 and Mr. P.P. Deshmukh,

learned counsel for the respondent No.4.

6. Learned counsel for the petitioner while reiterating the contentions and the grounds raised in the petition submits that there is no authority vested with the respondent No.3 to ask the person like petitioner to be appointed on deputation with the Office of the Guardian Minister. It is his further contention that the respondent No.4 i.e. the Chief Officer, Municipal Council, Digras has also no authority in law to relieve him from the post which he was holding. It is thus his submission that both the communications are patently illegal, arbitrary, unjust and *de hors* the provisions of law.

7. Per contra, learned counsel for respondent No.4 Mr. P.P. Deshmukh while vehemently opposing the contentions advanced by the counsel for the petitioner submits that there are disputed questions of fact involved in the petition and, therefore, a writ Court ought not to have entertain the same.

8. We have gone through the contentions advanced by the learned counsel for the parties. We have also perused the communications impugned in the present petition. From the bare perusal of the communication dated 01.10.2025 and the consequent communication of relieving the petitioner dated

03.10.2025 do not spell out any reason whatsoever. We neither could not find any source of power vested with the respondent No.3 or the respondent No.4 to transfer the services of a permanent employee like that of the petitioner to the Office of the Guardian Minister, Yavatmal.

9. In that view of the matter, the entire action of the respondent Nos.3 and 4 is without any authority of law. We, therefore, have no hesitation but to allow the petition. Hence, we pass the following order :

ORDER

(i) Writ Petition is allowed.

(ii) The communication/relieving order dated 03.10.2025 issued by the respondent No.4 and the communication dated 01.10.2025 issued by the respondent No.3 are quashed and set aside.

(iii) Rule is made absolute.

(iv) Petition is disposed of in above terms.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)