

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.3393/2014**

Jitesh Shyamrao Moon and others

..Versus..

The Municipal Commissioner, Nagpur and others

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATE : 4.1.2016**

Heard Shri R.S. Bhure, advocate for the petitioners, Shri N.S. Bhattad, advocate for respondents 1 and 2 and Ms. R.A. Deshpande, A.G.P. for respondent no.3.

On 10<sup>th</sup> March, 2015 rule came to be issued and rule on interim relief was also issued.

The petitioners have prayed that during the pendency of the writ petition, the effect and operation of the impugned order be stayed and the respondents be directed to provide regular work to the petitioners.

The respondents 1 and 2 have filed reply sworn on 4<sup>th</sup> January, 2016 stating that the petitioners are discontinued from their service and they are not working with the respondent - Corporation since the date of dismissal of complaint by the Industrial Court.

Considering the fact that the complaint of the petitioners is dismissed and that the petitioners are discontinued interim relief sought by the petitioners cannot be granted, however, it is clarified that if the respondents 1 and 2 are required to appoint any substitute employee, it shall be according to the seniority list prepared by them. The respondents 1 and 2 shall include the names of the petitioners in the list of Aiwajdar by considering the seniority of the petitioners treating the date of their appointment as claimed by them in the complaint filed before the Industrial Court. The respondents 1 and 2 shall provide work to the petitioners as per their turn in the seniority list which is required to be prepared as per the above directions.

**JUDGE**

Tambaskar.