

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.5005/2000

(From the judgement and order dated 16/12/1999 in WP 5472/88
of The HIGH COURT OF BOMBAY)

MUZAFAR HUSSAIN MOHAMMED SHAIKH AND ORS. Petitioner (s)

VERSUS

THANE MUNICIPAL CORPORATION & ORS. Respondent (s)

(With prayer for interim relief)
(With Appln(s). for permission to submit additional document(s))

Date : 02/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Shivaji M. Jadhav,Adv.

For Respondent (s) Mr. Nikhil Sakhardande, Adv.
Mr. S.R. Grover,Adv.

Mr. Udai Umesh Lalit,Adv.

Mr. Deepak M.Nargolkar,Adv.

Mr. S.S. Shinde, Adv.

Mr. S.V. Deshpande, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

Leave granted.

Appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..10.....OF 2001@@

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(Arising out of Special leave petition(C) No.5005/2000)

Muzafar Hussain Mohammed Shaikh & Ors. .. Appellants

Vs.

Thane Municipal Corporation & Ors. .. Respondents

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Leave granted.

The grievance of the appellants in this matter is in respect of the seniority list published on 21.6.1986. The High Court disposed of the matter stating that inasmuch as objections to the list had been rejected and thereafter the petitioners have become inactive the matter cannot be gone into and they should have sought for amendment of the petition for challenging the order or taking appropriate steps in that regard. We do not think that is a satisfactory way of disposing of the matter. The appropriate course would have been to allow the appellants to challenge the order by which they were affected and thereafter proceed with the matter. In these circumstances, we set aside the order made by the High Court, which is under appeal and remit the matter to the High Court for fresh consideration in accordance with law. The appeal is allowed accordingly.

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(S. RAJENDRA BABU)@@
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(K.G. BALAKRISHNAN)@@
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New Delhi,@@
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January 2, 2001.