



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ४९ (२)]

बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

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असाधारण क्रमांक १२६

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Third Amendment) Act, 2011 (Mah. Act No. XL of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XL OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 28th December 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. III  
of 1888.  
Bom.  
LIX of  
1949.  
C.P. and  
Berar II  
of 1950.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

### CHAPTER I PRELIMINARY.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Third Amendment) Act, 2011.

Short title  
and  
commencement.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

(२)

## CHAPTER II

### AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 78F in Bom. III of 1888.

2. After section 78E of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Bom. III of 1888.

Power of State Government to notify posts to be filled in by deputation.

“ 78F. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under the corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(2) Every notification issued under sub-section (1), specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as “ the feeder cadre ” ), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the corporation, on the date of issuing the notification under sub-section (1). ”

## CHAPTER III

### AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949.

Insertion of section 45B in Bom. LIX of 1949.

3. After section 45A of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Bom. LIX of 1949.

Power of State Government to notify posts to be filled in by deputation.

“ 45 B. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under any Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature, after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of

officers (hereinafter referred to as "the feeder cadre"), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the concerned Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)."

#### CHAPTER IV

##### AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. and Berar II of 1950.

4. After section 51 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

Insertion of section 51A in C.P. and Berar II of 1950.

Power of State Government to notify posts to be filled in by deputation.

"51A. (1) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under the Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as "the feeder cadre"), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)."

