

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2973 OF 2014

Milind Ambadas Kale

-vs-

Maharashtra Jivan Pradhikaran, thr.its Member Secretary, Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.VK.Gulhane, counsel for the petitioner.
Mr.D.M.Kakani, counsel for the respondents.

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 24.07.2015.

By this petition, the petitioner seeks a direction to the respondents to refer the matter of the petitioner to the M.P.S.C so that the petitioner could be regularized and promoted to the post of Assistant Engineer Grade-II.

Admittedly, the petitioner was appointed as a Junior Engineer in Group-C on 28/08/1997. By this petition, the petitioner is seeking a direction to the respondents to send the representation of the petitioner to the M.P.S.C. for considering the absorption of the petitioner on the post of Assistant Engineer Grade-II. The learned counsel for the petitioner has relied on the unreported judgment, dated 21/06/2004 in Writ Petition No.4208 of 2004 (Nihal Ahmed Hisamoddin Shaikh -vs- The State of Maharashtra and others) and Writ Petition No.4220 of 2004 (Amir Abdul Mulla -vs.- The State of Maharashtra and others) to seek the relief.

On hearing the learned counsel for the parties and on a perusal of the unreported judgment in Writ Petition Nos.4208 and 4220 of 2004, it appears that the relief sought by the petitioner cannot be granted. Admittedly, in the instant

case, the petitioner was appointed as a Junior Engineer on 28/08/1997. Merely, because the petitioner possessed the qualifications for appointment on the post of Assistant Engineer Grade-II, the petitioner cannot be directly absorbed on the post of Assistant Engineer Grade-II. Also, though the appointment of the petitioner as a Junior Engineer was made on 28/08/1997, the writ petition has been filed on 12/02/2014 for seeking the aforesaid relief. It is necessary to note that in Writ Petition Nos.4208 and 4220 of 2004 the petitioners were appointed as Assistant Engineers Grade-II on 24/04/1997 and were confirmed in service on that post. Since the petitioners were reverted on the post of Junior Engineer after their continuation on the post of Assistant Engineer Grade-II for about seven years, the petitions were filed. In the circumstances of those cases, this Court had directed the respondents to send the proposal of the petitioners for regularization on the post of Assistant Engineer Grade-II to the M.P.S.C. The said judgment cannot be applicable to the facts of this case. Admittedly, in Writ Petition Nos.4208 and 4220 of 2004 the petitioners were appointed on the posts of Assistant Engineer Grade-II and the petitioner herein was appointed on the post of Junior Engineer in Group-C. The facts of the decided case and the instant case are distinguishable.

Since, the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE