

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

WRIT PETITION NO. 2338 OF 2015

Madhukar S/o Gyanoba Savate

-vs-

The Maharashtra State Road Transport Corporation and another

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

Court's or Judge's Orders.

Mr. S. R. Borse, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 05.10.2015.

By this petition, the petitioner seeks a direction to the respondents to consider the appointment of the petitioner with effect from 10/05/2011 instead of 11/10/2013, the date on which he was appointed. The petitioner also seeks a declaration that the petitioner is entitled to be appointed in the post of Artisan 'C' in the pay scale of Rs.5050-16611 from 10/05/2011.

The petitioner applied for the post of Artisan 'C' (Body Fitter) in pursuance of an advertisement issued by the respondents in the year 2009. Instead of appointing the petitioner, Shri Vilas Sutar was appointed. After enquiry, it was found that the appointment of Shri Vilas Sutar was not proper, as he did not possess the requisite qualification. The order of appointment of Shri Vilas Sutar was set aside and the petitioner was appointed on the post of Artisan 'C' on 11/10/2013. In the circumstances, the petitioner has sought the aforesaid direction.

The relief sought by the petitioner cannot be granted. Admittedly, the petitioner was not appointed on 10/05/2011 and had not worked on the post of Artisan 'C' since then. Since the appointment of Shri Vilas Sutar was found to be bad, the petitioner

was appointed on 11/10/2013. The appointment of the petitioner cannot be deemed to have been made on 10/05/2011, the date on which Shri Vilas Sutar was appointed. Also, the respondents cannot be directed to consider the appointment of the petitioner in the pay scale of Rs.5050-16611 from 10/05/2011. There is nothing on record to show that the petitioner is entitled to the pay scale of Rs.5050-16611. Though time was granted to the learned counsel for the petitioner to produce the relevant material to show that the pay scale of Artisan 'C' is Rs.5050-16611, the counsel for the petitioner is unable to tender any material. Merely because Shri Vilas Sutar was appointed in the pay scale of Rs.5050-16611, the petitioner cannot seek the said pay scale. In the absence of any material to show that the pay scale of Artisan 'C' is Rs.5050-16611, the second prayer made by the petitioner is also liable to be rejected.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE**JUDGE**

KHUNTE