

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

WRIT PETITION NO.3967 OF 2014

Gajanan S/o Haribhau Thakre

-vs-

State of Maharashtra 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.D.M.Surjuse, counsel for the petitioner.
Mr.N.R.Patil, AGP for the respondent No.1.
Mr.P.D.Meghe, counsel for the respondent Nos.2 and 3.

CORAM : SMT.VASANTI A. NAIK &
C. V. BHADANG, JJ.

DATE : 15.06.2015.

Heard.

By this petition, the petitioner seeks a direction to the respondent-Zilla Parishad to grant time bound promotional pay scale to the petitioner as per the Government Resolution, dated 08/06/1990 after the completion of twelve years of continuous service.

The petitioner claims to have been appointed by the respondent-Zilla Parishad on 15/05/1990 as an Electrician. According to the petitioner, in view of the Government Resolution, dated 08/06/1990, the petitioner was entitled to the time bound promotional pay scale on completion of twelve years of continuous service. The respondent-Zilla Parishad failed to grant time bound promotion to the petitioner on completion of twelve years of continuous service and hence, the petitioner has sought the aforesaid relief.

It is the case of the petitioner that though Shri G.J. Dharamthok, who has joined his services on 01/04/1986

as an Electrician, is granted the benefits of time bound promotion with effect from 01/04/1998 after the completion of twelve years of continuous service, the petitioner was not granted the relief. It is stated that the respondent-Zilla Parishad has discriminated between two employees belonging to the same class.

On hearing the learned counsel for the parties and on a perusal of the order, dated 19/07/2001 granting the benefits of time bound promotional pay scale to Shri G.J. Dharamthok, it appears that the respondent-Zilla Parishad has illegally denied the benefits to the petitioner though the Zilla Parishad has granted the benefits to Shri G.J. Dharamthok. The petitioner was entitled to the promotional pay scale after the completion of twelve years of continuous service. The respondent-Zilla parishad, while granting promotional pay scale to Shri G.J. Dharamthok on completion of twelve years of continuous service in the year 1998, denied the promotional benefits to the petitioner though the respondent-Zilla Parishad has not denied that the petitioner is continuously working as an Electrician since the year 1990. The respondent-Zilla Parishad has discriminated between two employees falling within the same class. The respondent-Zilla Parishad has not stated any reason whatsoever for granting the benefits of the resolution to Shri G.J. Dharamthok and denying the same to the petitioner.

Though the petitioner would be entitled to the benefits of promotional pay scale as per the Government Resolution on completion of twelve years of continuous service, since the petitioner has filed the writ petition belatedly on 10/07/2014, it would be necessary to restrict the monetary benefits to the petitioner for a period of three years preceding the date of filing of the writ petition, i.e.

from 10/07/2011. The respondent-Zilla Parishad had granted the promotional benefits to Shri G.J. Dharamthok by an order, dated 19/07/2001. The petitioner had completed twelve years of continuous service on 16/05/2002. The petitioner has waited for twelve long years to seek a direction to the respondent-Zilla Parishad to grant the monetary benefits to the petitioner. It is a well settled that a party would be entitled to monetary benefits only for a period of three years preceding the date of filing of the petition/litigation. The petitioner has slept over the matter for a period of nearly twelve years though according to the petitioner, the petitioner was entitled to the relief on 16/05/2002. It is well settled that making repeated representations would not stop limitation. It would be worthwhile to refer to the judgments, reported in 1995 Supp (4) SCC 593 (Administrator of Union Territory of Daman and Diu v. R. D. Valand, (1997) 11 SCC 13 (Jai Dev Gupta v. State of H.P.) and (2009) 3 SCC 282 (Yunus (Baboobhai) A. Hamid Padvekar v. State of Maharashtra) in this regard.

Hence, for the reasons aforesaid, the writ petition is allowed. The respondent-Zilla Parishad is directed to grant the time bound promotional pay scale to the petitioner on completion of twelve years of continuous service. The monetary benefits should be calculated from completion of twelve years of continuous service, but should be paid to the petitioner with effect from 10/07/2011.

Order accordingly. No order as to costs.

JUDGE

JUDGE