

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.5988 OF 2014**

*(Smt. Leelabai Ramsao Harde Vs. Zilla Parishad, Gadchiroli)*

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri B. M. Khan, Advocate for the petitioner.  
Shri H. A. Deshpande, Advocate for the respondent.

**CORAM : SMT. VASANTI A. NAIK AND  
A. M. BADAR, JJ.**

**DATED : 27<sup>th</sup> JULY, 2015**

By this petition the petitioner seeks a direction to the respondent-Zilla Parishad to grant second time bound promotion to the petitioner and revise the pay scale accordingly. The petitioner also seeks a direction to the respondent to pay the amount towards earned leave and revise the pension in terms of the order dated 29/02/2012.

Shri Deshpande, learned Counsel for the respondent-Zilla Parishad submitted that the prayers made by the petitioner except the prayer for re-fixation of the pension would not survive. It is stated that the petitioner would not be entitled to the second time bound promotion as the petitioner was promoted in the year 1985 and she retired in the year 2005. It is stated that on completion of 12 years from 1985, the petitioner was granted a time bound promotion w.e.f. 1997. It is stated that initially the first time bound promotion was granted from 1998 but after realising the mistake, the mistake was rectified and the first time bound promotion was granted from the year 1997. It is stated that since the petitioner did not complete 12 years of service after the first time bound promotion, she is not entitled to the second time bound promotion. It is stated that the petitioner was sanctioned encashment of 115 days earned leave by an order dated 18/12/2010 and the petitioner has been paid the dues towards the

earned leave. It is stated that the petitioner does not dispute about the payment of arrears in terms of the recommendations of 4<sup>th</sup> and 5<sup>th</sup> pay commissions. It is stated that the Zilla Parishad would re-fix the pension of the petitioner as early as possible.

On hearing the learned Counsel for the parties, it appears that the petitioner was promoted in the year 1985 and on completion of 12 years from the date of promotion, the petitioner was granted first time bound promotion in the year 1997. The petitioner has retired in the year 2005. The amount towards encashment of earned leave for 115 days has also been paid to the petitioner. Since the petitioner has not disputed that the petitioner has received the arrears in terms of the recommendations of 4<sup>th</sup> and 5<sup>th</sup> pay commission, the only direction that is required to be issued to the Zilla Parishad is for fixation of the pension at the earliest.

In view of the statement made on behalf the Zilla Parishad, we dispose of the writ petition with a direction to the Zilla Parishad to re-fix the pension of the petitioner by considering the order dated 29/02/2012, within a period of three months.

Order accordingly. No costs.

**JUDGE**

**JUDGE**