

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
LETTERS PATENT APPEAL ST.566 OF 2008 IN
WRIT PETITION NO.2091 OF 2006

Machhindra Bhaguji Jadhav

Appellant

Versus

Pravara Medical Trust

Respondent

Mr.P.V.Barde, advocate for the appellant..

Mr.A.V.Hon, advocate for the Respondent.

CORAM : R.M.BORDE &

K.L.WADANE, JJ.

DATE : 12th August, 2016

PER COURT:

1 The appellant was appointed as an Attendant and for some time was assigned the duties of Xerox Operator. According to the appellant, post of Xerox Operator is a promotional post in Class III Cadre. Petitioner claims that he has been transferred from one department to another department and by virtue of such transfer, he has been assigned the duties of Xerox Operator. Petitioner claims that while he was working as Xerox Operator for certain duration, he has been paid additional allowance and as a result of his transfer and assignment of different duty, which do not carry any additional allowance, he has been put to loss.

2 It is an admitted fact that the post of Attendant is in the Class IV cadre, whereas, post of Xerox Operator is categorized in Class III cadre. The petitioner cannot claim promotional post merely because he was assigned duties of the post of Xerox

Operator for few days. It has not been demonstrated that the petitioner, though senior, his claim has been denied and superseding his just claim, anybody else has been appointed. Learned Single Judge was justified in recording that since the petitioner is claiming entitlement to Class III post without demonstrating his entitlement on the basis of seniority, he cannot succeed. The concurrent findings recorded by the Industrial Court as well as by the learned Single Judge need not be disturbed. The appellant claims that the provisions of Section 9(A) of the Industrial Disputes Act, 1947 have been disregarded.

3 We do not find that the petitioner can justifiably claim the benefits as claimed by him. There is no merit in the appeal.

4 Appeal stands dismissed. Pending Civil Application, if any, stands disposed of.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE