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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 644 OF 2014

Sharad S. Pente

.. Petitioner

Vs.

1.Union of India and ors.

.. Respondents

Mr. S. C. Prabhu for petitioner.

Mr.Vinod Joshi & Mr. M. S. Bhardwaj for respondents.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

OCTOBER 04, 2016.

P.C.

1. The petitioner joined BARC as Scientific Assistant “B” in the year 1995. The petitioner applied for a job in Bharatiya Reserve Bank Note Mudran Limited (BRBNML for short) which was a wholly owned subsidiary of Reserve Bank of India in January 1998. While he was discharging his duties in BARC, the petitioner was offered job of Assistant Manager (Administration & Accounts) in BRBNML. He was directed to join duty in February 1998. The petitioner thereafter approached BARC to relieve him from duty by accepting his letter of resignation. According to

the petitioner his request was turned down, so he continued with the BARC.

2. The petitioner approached the Tribunal with following prayers :-

- (a) That this Hon'ble Tribunal will be pleased by exercising the powers conferred on it under the provisions of the Administrative Tribunal Act, 1985 direct BARC 3rd respondent, to treat/ consider Applicant as having been promoted in Feb. 1998 to grade equal to salary scale 2075-100-2875-125-3750 (pre-revised) of Assistant Manager BRBNML which is of Scientific Officer (C) in scientific stream with pay scale 2300-100-2800 (pre-revised) without any condition/comparison. Accordingly, seniority is required to be re-determined.
- (b) Direction for further consideration as promoted to next higher grades to Scientific Officer (C) after 3-3-4-4-5-5 years from Feb. 1998. Accordingly, seniority is required to be re-determined.

- (c) Direction for all consequential benefits; pay difference, yearly increment, fixation in Pay Commission, all allowances to maximum limit, seniority in the list of official accommodation from / after Feb. 1998.
- (d) All above arrears from Feb. 1998 with interest at the rate of 10% per annum.
- (e) Compensation for; mental agony, official harassment, psychological torture, defamation as psychiatric patient since last 14 years. BARC deprived fundamental rights of Applicant (and his family members) to live with dignity as BRBNML (RBI) officer.
- (f) For such orders, directions and/or reliefs as this Hon'ble Tribunal in the facts and circumstances of the case deems fit and proper be granted in favour of the Applicant.

By an order dated 15/7/2013, the Tribunal dismissed the Original Application No. 389 of 2013 filed by the petitioner on merits and on the ground of delay.

3. Learned counsel appearing for the petitioner submits that the petitioner was appearing before the Tribunal as party-in-person. He was not heard. The petitioner has not been keeping well and, therefore, he could not concentrate fully on his duties. His past record is good. He has not received any promotion order, except one in the year 2006. Therefore, his case be considered sympathetically.

4. Learned counsel for the respondents – UOI has placed before us the original service record of the petitioner. We have perused the same. Learned counsel submits that the record itself reveals that due to poor performance of the petitioner, he was not considered for promotion. ACRs reveal the nature of performance of the petitioner.

5. The Tribunal considered the record, pleas of the petitioner and was of the view that the original application does not deserve to be considered on merits. In view of abnormal delay of more than 14 years, the Tribunal declined to interfere.

6. In the facts, we find that the delay was abnormal one. The petitioner was seeking relief in respect of his promotion from 1998

onwards in a prescribed revised scale and further consecutive promotions thereafter with consequential benefits.

7. Looking into the material placed before the Tribunal and considering submissions made, we are not inclined to disturb the observations made by the Tribunal. Satisfactory explanation for condoning the delay was also not furnished. There is no merit in this petition.

8. Petition is dismissed. However, we clarify that the petitioner is entitled to file a comprehensive representation to the employer in respect of his request of promotion consequent to the last promotion given in the year 2006. In case, such a representation is received, the department would deal with the same on its own merits and in accordance with law.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)