

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

WRIT PETITION NO.1673/2016

Eknath s/o Mahadu Korde

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and another

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

Court's or Judge's orders

Shri N.B. Kalwaghe, Advocate for petitioner
Shri N.H. Joshi, AGP for respondent no.1
Ms Vaishali Khadekar, Advocate for respondent no.2

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 09.12.2016

By this writ petition, the petitioner challenges the order of the Divisional Commissioner, Amravati, dated 9.9.2015, rejecting the proposal for grant of deemed date promotion to the petitioner on the posts of Superintendent and Section Officer.

Shri Kalwaghe, the learned Counsel for the petitioner states that the impugned order is liable to be set aside as the Divisional Commissioner has not considered the elaborate report of the four member committee of the Zilla Parishad and the reasons stated therein for grant of deemed date promotion to the petitioner, while passing the impugned order. It is stated that the impugned order is extremely cryptic and does not record any reasons for rejecting the prayer of the petitioner for grant of

deemed date promotion. It is stated that the Divisional Commissioner did not consider the Government Circular dated 21.2.2011 while rejecting the claim of the petitioner by the cryptic order.

On a reading of the impugned order and on a perusal of the documents annexed to the petition, we find that the claim of the petitioner is rejected by the Divisional Commissioner without considering the import of the Government Circular, dated 21.2.2011 and the report of the four member committee of the Zilla Parishad in the matter of grant of deemed date promotion to the petitioner. It was necessary for the Divisional Commissioner to consider the report of the committee of the Zilla Parishad as also the Circular before deciding the claim. The impugned order appears to be cryptic and does not disclose the mind of the Divisional Commissioner, while rejecting the claim of the petitioner.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The Divisional Commissioner is directed to decide the claim of the petitioner afresh on merits by considering the report of the committee of the Zilla Parishad, as also the Circular, dated 21.2.2011, within four months.

Order accordingly. No costs.

JUDGE

JUDGE