

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

WRIT PETITION NO.3700 OF 2016

[Laxman s/o Shamrao Parate .vs. The Education Officer (Secondary), Zilla Parishad, Chandrapur and others]

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

Court's or Judge's orders

Ms. Kirti R. Satpute, Advocate for the petitioner,
Shri A.A. Madiwale, AGP for respondent nos.1 and 2,
Shri R.S. Charpe, Advocate for respondent nos.3 and 4.

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

DATED : DECEMBER 15, 2016.

By this writ petition, the petitioner seeks a direction to the respondents to fix the pension of the petitioner by considering that the petitioner was promoted to the post of Headmaster with effect from 1.8.1984.

According to the petitioner, though the petitioner was entitled to be promoted on the post of Headmaster with effect from 1.8.1984, the respondent-management wrongfully promoted Shri Nago Govind Thute on the said post. The appeal filed by the petitioner against the promotion of Shri Nago Thute was allowed and the Tribunal directed the management to promote the petitioner as Headmaster with effect from 22.6.1988. The said order was complied with and the petitioner was promoted with effect from 22.6.1988. During the pendency of the appeal before the School Tribunal, the petitioner was granted the benefits with effect from 22.6.1988. By this writ petition, the petitioner is seeking a direction against the respondents to revise the pension of the petitioner by considering that the petitioner was promoted with effect from 1.8.1984.

The relief sought by the petitioner cannot be granted. The petitioner had challenged the promotion of Shri Govind Thute and the Tribunal had directed that the promotional benefits be granted to the petitioner with effect from 22.6.1988. The respondents have granted the monetary benefits flowing from the order of deemed date promotion to the petitioner with effect from 22.6.1988. The petitioner is now seeking the revision of his pension by considering that the petitioner was promoted on 1.8.1984, the date on which, according to the petitioner, he was entitled to be promoted. Such a prayer cannot be granted, specially when the School Tribunal has held that the petitioner was entitled to be promoted with effect from 22.6.1988 and the petitioner has not challenged the order and the same has attained finality.

Since the relief sought by the petitioner cannot be granted, in the circumstances of the case, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE