

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

Writ Petition No.3470/2016

Rahul s/o Mahadeo Wankhede ..vs.. State of Maharashtra through Chief Secretary,
Environment Deaprtment, Mumbai and others

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

Court's or Judge's orders

Mr. A. A. Naik, Advocate for petitioner.
Mr. N. Joshi, A.G.P. for respondent no.1.
Mr. S. Sanyal, Advocate for respondent nos. 2 and 3.

CORAM : B. R. GAVAI & V. M. DESHPANDE, JJ.

DATE : OCTOBER 14, 2016

Heard.

The petitioner has approached this Court praying for a direction to the respondents to grant promotion to the petitioner to the post of Sub Regional Officer w.e.f. 11.07.1994 and thereafter on the post of Regional Officer w.e.f. 09.11.2012.

The petitioner was convicted for the offence punishable under the provisions of Section 7 of the Prevention of Corruption Act vide judgment and order dated 07.03.2005. However, in Criminal Appeal No.219/2005, the said judgment was reversed and the petitioner was acquitted of the charge framed against him vide judgment and order dated 28.10.2014. After the orders were passed by this Court, the petitioner was promoted to the post of Sub Regional Officer. It is the claim of the petitioner that in accordance with his seniority, he is entitled to be promoted as Regional Officer.

In the reply filed by the respondent no.2, it is stated as under:

“5. Thereafter the petitioner was promoted to the post of Sub Regional Officer. The petitioner joined the said post on 19.9.2015. The said order of promotion is annexed by the petitioner at Annexure-D. It is respectfully submitted that it is the case of the petitioner that he should be considered for promotion to the post of Sub Regional Officer w.e.f. 11.07.1994 and on the post of Regional Officer w.e.f. 09.11.2012 i.e. the date on which a person immediately junior to the petitioner was granted promotion to the said post.

6. In this regard, it is respectfully submitted that the question of grant of deemed date to the petitioner was taken up by the respondent no.2 and it was decided to refer the said matter to the respondent no.1 for its opinion and approval. Accordingly, on 10.05.2016, the respondent no.2 has referred the matter to the respondent no.1 seeking its opinion. The opinion of the respondent no.1 is awaited. On receipt of the same the respondent no.2 would act accordingly.”

We, therefore, find that the petition can be disposed of in the following terms.

(i) The respondent no.1 is directed to take a decision on the proposal dated 10.05.2016 sent by respondent no.2, as expeditiously as possible and in any case within a period of eight weeks from today.

(ii) Upon decision being taken by respondent no.1, respondent no.2 shall take a decision for grant of

promotion to the petitioner on the post of Regional Officer within a period of four weeks from the date of decision of the respondent no.1.

Needless to state that since the post of Regional Officer granted to the last person is subject to the orders of this Court, upon decision being taken by the respondent no.1, the respondent no.2 shall give effect to the same.

JUDGE

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