

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

904 REVIEW APPLICATION (STAMP) NO. 16893 OF 2017

VIKRAM BHANUDAS WAGHCHAURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Arvind R. Kawade.

AGP for Respondent No.1: Mr. S. W. Munde.

Advocate for Respondent Nos.2 to 4 : Mr. D. P. Palodkar.

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CORAM : **S. V. GANGAPURWALA &
V. K. JADHAV, JJ.**

DATE : 08th December, 2017.

ORDER:

. Mr. Kawade, learned counsel submits that as per the information supplied under the Right to Information Act, no panel was constituted from the year 2008 to 2011 for considering the promotion to the post of Line Inspector. According to the learned counsel, the Government Resolution of 2008 specifically lays down that the person, who possess validity has to be promoted. The Petitioner was possessing the validity in the year 2008. The same was submitted to the employer on 31st July, 2008. Still the case of the Petitioner was not considered. The Petitioner was entitled for promotion. There was a post available meant for S.C. category candidate.

2 Mr. Palodkar, learned counsel submits that the administrative instructions were issued by the office of Respondents in the year 2009 and at that time the persons senior to the Petitioner had already submitted the validity and as such, if the Petitioner even could have been promoted temporarily, he would have been reverted. The Petitioner was at serial No.6 in the seniority list of Line Man.

3 We have considered the submissions. The administrative instructions issued by the non-applicants specifically state that even if a junior has a validity certificate and the senior does not possess it, the junior can be temporarily promoted and once the senior gets the validity certificate, the junior who was promoted temporarily has to be reverted.

4 It is not a matter of dispute that the permanent promotion has been granted to one Mr. Sonkamble and on his retirement to one Mr. Pardhe, who were at serial Nos.1 and 2 respectively of the seniority list. The Petitioner did not have any vested right as he was at serial No.6 of the seniority list.

5 Considering the above, the revision application is
disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

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