

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8023 OF 2014

Kumar Pandurang Bhingardeva Petitioner
Vs.
Jilha Parishad, Sangli & Others Respondents

Mr. Kedar J. Patil for the Petitioner.
Mr. Ramesh D. Rane for Respondent Nos.1 & 3.
Mr. P.P. More, AGP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : NOVEMBER 01, 2017

P.C:

1. The petitioner was transferred from Ratnagiri Zilla Parishad to Sangli Zilla Parishad.
2. Now he is seeking promotion to the post of Gram Vikas Adhikari.
3. The petitioner's case is that he was appointed in the Ratnagiri Zilla Parishad and presently serving as Gramsevak,

Panchayat Samiti, Shirali, District Sangli. The petitioner started his services as a Gramsevak in the Zilla Parishad, Ratnagiri, Taluka Rajapur and Sangmeshwar on 4-11-1992. Thereafter, his services were transferred to the Sangli Zilla Parishad with effect from 1-11-2000.

4. The petitioner appeared for an examination held in the year 1998, which is an internal examination, and cleared it. Based on that, he expected the Sangli Zilla Parishad, in 2006, to promote him but the Sangli Zilla Parishad was of the view that the petitioner's seniority would have to be reckoned from the date of his joining the Sangli Zilla Parishad and the benefit of the past service rendered to the Ratnagiri Zilla Parishad is of no avail. That is how the petitioner was not found due for promotion.

5. Further, the petitioner cannot be placed over and above the Sangli Zilla Parishad employees in the Seniority List.

6. The petitioner has given instance of some persons who have cleared the examination later on but have been

granted promotional benefits.

7. He has also relied upon a communication or recommendation from the Sangli Zilla Parishad communicating its no objection to promoting the petitioner and also granting him the benefit of a deemed date of service. However, the Commissioner of the Revenue Division was of the view that such a voluntary act of the Zilla Parishad would not be an exercise permissible in law. Firstly, the petitioner has not been brought in the Sangli Zilla Parishad as a policy or a scheme of exchange of employees from one Zilla Parishad to another. Secondly, his placement in the Seniority List of employees of the Sangli Zilla Parishad presently does not enable him to earn any promotion. As and when his turn would come, he would be duly considered for the promotional post.

8. It is such a clarification by the Commissioner by which the petitioner is aggrieved and has approached us in writ jurisdiction.

9. We have heard Mr. Kedar Patil, appearing for the

petitioner, Mr. More, learned AGP and Mr. R.D. Rane, appearing for the Sangli Zilla Parishad.

10. There is an affidavit in reply filed by the Sangli Zilla Parishad which indicates and in clearest terms that the petitioner was transferred from Ratnagiri Zilla Parishad to Sangli Zilla Parishad on 1-11-2000. He joined on such transfer as a Gramsevak on 1-11-2000. The petitioner's name in the Seniority List of the Sangli Zilla Parishad, Gramsevaks was placed below all the then Gramsevaks and working as such in the Sangli Zilla Parishad. Therefore, his demand for granting him seniority with effect from 12-8-1999, and not with effect from 1-11-2000, is contrary to law. The respondent No.2-Commissioner has rightly communicated to the Sangli Zilla Parishad that the petitioner cannot be granted promotional benefits even if the Sangli Zilla Parishad feels so or has no objection to grant of the same.

11. We have, therefore, found from the record of this case that the petitioner has no vested legal right to claim the

promotional post. As and when his turn for promotion comes, commensurate with his placement in the Seniority List his claim would be duly considered on merits and in accordance with law. We have no doubt that the Sangli Zilla Parishad will act accordingly. Secondly, post filing of the petition, Mr. Patil has been instructed by his client to state before the Court that the Sangli Zilla Parishad has granted the necessary Pay-scale of the promotional post and all attendant benefits with effect from 4-11-2016. Since there was no vacancy available and the promotional avenues being temporarily foreclosed for the petitioner, the benefit of Career Advancement Progression Scheme was extended to him. His Pay-scale has been upwardly revised so as to grant him all the benefits of the promotional post as if he was promoted as a Gram Vikas Adhikari. Since the petitioner is presently deriving all the benefits of the promotional post and the Sangli Zilla Parishad having no objection extended it, so also reserving his claim in future for promotion, we do not think that the petitioner deserves any other relief. His grievance is fully redressed by the additional

benefit that he has derived from the Sangli Zilla Parishad and as stated by Mr. Patil, on instructions. The position, as stated by Mr. Patil, is equally confirmed by Mr. R.D. Rane, appearing for the Sangli Zilla Parishad. The writ petition, therefore, stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)