

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2930/2016

(Bhalchandra s/o Vasantao Dhote vs. The Chairman, LIC and others)

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

Court's or Judge's order

Mr.S.P. Kswahirsagar, Adv.for petitioner
Mr. H.V.Thakur, Adv. for respondent nos.1 to 4

**CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI,JJ.**

DATED : 17th February, 2017.

1. Heard.

2. The petitioner, an Assistant Administrative Officer was promoted as Administrative Officer and posted at Degloor in that capacity. On account of domestic difficulties, on 31.7.2015 he submitted a representation and requested for accommodating him at the existing place i.e. Amravati, or then, at Nagpur. This request was rejected on 28th August, 2015 and against that rejection, the petitioner had preferred an Appeal before the Appellate Authority, which has also been rejected. Second Appeal against the order dated 20th October,2015 is claimed to be pending.

3. In the meanwhile, the petitioner requested the Nanded Divisional office to change his posting from Degloor to Hingoli. This fact appears in memo of Appeal dated 26.10.2015. The request is stated to be of date 28th August, 2015. The request letter, if any, is not produced for perusal of this Court by any of the parties. The request obviously was not granted.

4. As per the service conditions, respondent-employer does not consider for promotion such employee who refuses to join at promotional place for one year. Accordingly, in the year 2016, the petitioner was not considered for promotion.

5. It appears that in 2017 the petitioner is eligible for consideration.

6. In this situation, without observing anything on merits of the controversy and keeping all other contentions of the parties open, we direct respondents to consider eligibility and entitlement of petitioner for promotion in the year 2017 when that exercise is taken up.

7. It is open to second Appellate Authority to examine the grievance of the petitioner on merits, in the meanwhile.

8. With liberty to petitioner to approach if any cause of action thereafter arises, we dispose of Writ Petition. No costs.

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