

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2203 OF 2004

Vasant Rajaram Sonar,
Age-66 years, Occu-Nil,
R/o At Post Walavne,
Tq.Parner, Dist.Ahmednagar -- PETITIONER

VERSUS

Ahmednagar Zilla Parishad
Through its Chief Executive Officer
Zilla Parishad, Ahmednagar -- RESPONDENT

Mr.P.L.Shahane, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 03/03/2018

ORAL JUDGMENT :

1. The petitioner is aggrieved by the judgment and order dated 08/07/2003 by which Complaint (ULP) No.81/1990 filed by the petitioner praying for promotion by challenging the order dated 14/10/1978, has been dismissed.

2. Mr.P.L.Shahane, learned Advocate for the petitioner has strenuously criticized the impugned judgment. He draws my attention to the 13 grounds formulated by him in the memo of the petition. He submits that the petitioner initially joined as a "PEON"

from 26/02/1957 with the respondent/Zilla Parishad, Ahmednagar. He should have been promoted as a "Dresser" in 1978. He was superseded by order dated 14/10/1978 by which juniors to him were promoted as Dressers. He was eventually promoted as a "Dresser" in 1986.

3. I have considered the record available in the light of the strenuous submissions of Mr.Shahane.

4. The record reveals that the petitioner was punished for misappropriation after issuing notice dated 05/08/1981. He was suspended pending enquiry. The punishment that he was awarded was challenged in Complaint (ULP) No.336/1986, which was allowed.

5. On the basis of the record and the evidence adduced, the Industrial Court concluded that the petitioner was under suspension from 1978. He was not promoted as a "Dresser" in 1978 because he did not have enough experience so as to be promoted from a post of a Peon to a Dresser. Notwithstanding the disciplinary action, he was still promoted as a Dresser in February 1986 when he became eligible.

6. Merely because a second view is possible, this Court cannot cause interference in the impugned order. Moreover, after his promotion to the post of “Dresser” in February 1986, the petitioner challenged the order dated 14/10/1978 in Complaint (ULP) No.81/1990 which was filed on 01/03/1990, which is after 12 years from the date of the alleged supercession.

7. Considering the entire fact situation, I do not find that the impugned order could be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)