

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 8727 OF 2018

Mahatma Phule Krushi Vidyapeeth ... Petitioner

Versus

Kashinath s/o Hari Bramhne ... Respondent

Mr. A.S. Shelke, Advocate for the Petitioner.

Mr. P.V. Barde, Advocate for the Respondent.

Coram : N.M. Jamdar, J.

Date : 21 November 2018.

ORAL ORDER :

By this petition, the petitioner-University has challenged the order passed by the Industrial Court, Ahmednagar, granting benefit of time bound promotion scale to the respondent.

2. Respondent was working as plumber. He was appointed on 27 December 1983. On 31 May 2000, the respondent retired having attained age of superannuation. Respondent filed complaint ULP No. 85/2015 seeking benefit of time bound promotion with effect from 27 December 1995 and consequential benefits. By the

impugned order, the Industrial Court has granted the same.

3. Learned counsel for petitioner as assailed the impugned order primarily on two grounds. Firstly, it is contended that claim of respondent-employee was hopelessly belated and inspite of rejection of his claim in the year 2002, complaint was filed in the year 2015. Secondly, it was contended that the adverse material against respondent was not considered by the Industrial Court.

4. Both these points have been considered by the Industrial Court. The petitioner had filed certain petitions for grant of time bound promotion and orders were passed by this Court on 24 June 2014. Thereafter, respondent,- a Class IV employee, became aware of his rights and filed complaint. It is also the case of Respondent that he was suffering from serious illness. Considering this fact, the Tribunal condoned the delay. Even otherwise, the respondent has not been granted interest from 1995 to 2015 and has only been granted right which he claimed later on. The concern expressed by learned counsel for petitioner that this will give rise to belated claims is not well founded, as each case will have to be considered on its own merit and in the present case, the tribunal has found sufficient reason to

condone the delay. As regards adverse material is concerned, the same was not communicated to the respondent. His confidential report was also not produced.

5. In these circumstances, the order passed by the Industrial Court cannot be said to be suffering from any illegality or error of jurisdiction. Writ petition is accordingly rejected.

N.M. Jamdar, J.