

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 10502 OF 2018**

Sheshrao Sambhaji Bhalerao

..

Petitioner

Versus

The State of Maharashtra and others

..

Respondents

Shri. Krishna Rodge, Advocate h/f Shri. P. G. Rodge, Advocate for
Petitioner.

Shri. S. P. Sonpawale, A.G.P. for Respondent/State.

CORAM : S.V. GANGAPURWALA AND**S. M. GAVHANE, JJ.****DATED : 18th September, 2018****PER COURT:**

. The learned advocate for the petitioners submits that the tribunal has taken a very hyper technical view while rejecting the application of the petitioner for condonation of delay. The learned counsel submits that the petitioner was eligible for promotion to the post of Sub-Registrar Grade-I in the year 2006. The departmental promotional committee also considered the case of the petitioner, but the petitioner was not promoted. The petitioner was actually promoted in the year 2010. The learned counsel submits that the petitioner had given a detail representation in

the year 2006 and 2009 and the same was not considered. The learned counsel submits that 100 persons junior to the petitioner are promoted. The petitioner again made detail representation in the year 2016, the same is also not considered. According to the learned counsel the petitioner has got good case on merits. The petitioner's cause for substantial justice should have been considered by the Tribunal. The delay has to be liberally construed. It is because the representation is pending, the petitioner was under belief that the authority would consider representation of the petitioner.

2. The learned A.G.P. supports the order and submits that the Tribunal has considered each and every aspect of the matter.

3. It is not disputed that petitioner initially was appointed as a Peon in the year 1981. He was subsequently promoted as a Junior Clerk. Thereafter he was promoted as Senior Clerk in the year 2002. In the year 2006 the name of the petitioner was considered by Departmental Promotional Committee. The Departmental Promotional Committee in its meetings in the year 2006 did not consider the petitioner for promotion as a criminal case was pending against the petitioner. It is stated that the petitioner is acquitted in the year 2008. The Departmental Promotional

Committee thereafter considered the petitioner for promotion and promoted the petitioner as Sub Registrar Grade-I in the year 2010. The petitioner did not make any grievance about the deemed date of promotion from the year 2010 till date of his superannuation on 31.08.2015. Thereafter, for the first time on or above 01.11.2016 made representation for the deemed date of promotion. No explanation is coming forth for not making a grievance from the date the promotion was given to him till his superannuation for seeking deemed date of promotion.

4. The tribunal has considered the said aspect rightly.

5. In view of that no case for interference is made out. Writ petition is disposed of. No costs.

[S. M. GAVHANE, J.]

ass/wp 10502.18

[S. V. GANGAPURWALA, J.]