

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1679 OF 2018**

Mr. Sudhir Rajdhar Wagh

..Petitioner

Vs.

The Managing Director/Secretary & Anr

..Respondents

Ms. Vaishali Jagdale for the Petitioner

Mr. Nitin Deshpande for the Respondent No.2

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 22nd OCTOBER, 2018**

P.C.

1 The above Petition has been filed for a direction that the Petitioner should be given the benefit of the policy of the State Government in the matter of the Assured Career Progression Scheme. The said policy postulates that the benefit has to be given to an employee after a period of 12 years of his appointment. During the pendency of the above Petition, by order dated 18-12-2017 issued by the Respondent No.2 the Petitioner has been given the said benefit from 1-3-2017 by placing him in the higher scale. Hence there is now no dispute about the factum of applicability of the Scheme of the State Government in so far as the Respondent No.2 is concerned.

2 The grievance that remains of the Petitioner is that the Petitioner ought to have been given the benefit from the year 2014 as it is in the said

year that the Petitioner completed 12 years of service from the date of his appointment which was in the year 2002. The said order does not disclose as to why the said benefit has not been given to the Petitioner from the year 2014. The said date of 1-3-2017 is probably chosen on the ground that the Petitioner having filed the instant Petition on 14-12-2017, a date in the year 2017 was required to be given.

3 In our view, instead of keeping the above Petition pending, and the Learned Counsel appearing for the Respondent No.2 awaiting instructions from the said Respondent No.2, it would be just and proper if the Petitioner makes a fresh representation to the Respondent No.2 for being granted the benefit from the year 2014 to the said Petitioner. If any such representation is made within two weeks from date, the Respondent No.2 would consider the said representation within 4 weeks thereafter and pass appropriate orders. The Learned Counsel for the Respondent No.2 to inform the Respondents of the aforesaid development with a copy of the instant order. With the directions as aforesaid the Writ Petition is disposed of.

4 The photocopy of the order dated 18-12-2017 is taken on record and marked as 'X' for identification.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]