

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 600 OF 2016

Shri Shiv Shankar Rao	.. Petitioner
Vs.	
Union of India and ors.	.. Respondents

Mr.A.D. Joshi, for the Petitioner.
Mrs.Neeta Masurkar a/w Mr.V.S.Masurkar & Ms.Nieyaati
Masurkar, for Respondents No. 3 & 4.
Mr.Neel Helekar a/w Mr.P.S.Gujar, for Respondent No.1 – UOI.

**CORAM : R.M.SAVANT &
M.S.KARNIK, JJ.
DATE : 21st SEPTEMBER, 2018**

P.C. :

. The above Writ Petition has been filed challenging the order dated 17/11/2014 - Exhibit A to the above Petition passed by the Respondent No.2 by which communication it is informed to the Member (Finance), Tariff Authority of Major Ports that issue of pay fixation of the Petitioner had been examined in consultation with the DoP&T and it has been found that pay fixation done by TAMP in respect of the Petitioner on

re-employment as a Junior Hindi Translator is in order.

2. The Petitioner was appointed as a Junior Hindi Translator pursuant to the advertisement that was issued in that regard on 20-26th December 2008. The said post of a Junior Hindi Translator was in the pay band of Rs.9300 - 34,800/- plus Grade Pay Rs.4,200/- and gross pay was at the minimum scale of Rs.21,566/- including all applicable allowances as on date. The Petitioner on completion of bond period as a Sergeant in the Indian Air-Force had applied for the said post of Junior Hindi Translator. The Petitioner has been making representations as regards fixation of his pay in which representations he is seeking that his pay be fixed on the basis that he has been re-employed as an ex-defence personnel. By the impugned order/communication dated 17/11/2014 the said request of the Petitioner has been rejected.

3. On behalf of the Respondents, especially Respondents No.3 & 4, an affidavit has been filed by Shri

D.S.Bhople, Administrative Officer. In the said reply, it has been stated that the Petitioner applied for the said post of a Junior Hindi Translator pursuant to the advertisement dated 20-26th December 2008 and the Petitioner has been appointed in the exercise which was carried out for filling up the single isolated un-reserved post of Junior Hindi Translator and since the Petitioner had been appointed on the said post fully knowing the said fact, has on misconception made the representations which have been made in respect of fixation of his pay.

4. The learned Counsel appearing on behalf of the Petitioner also sought to raise contentions based on the premise that the Petitioner as a ex- serviceman has been re-employed in the post of Junior Hindi Translator. In support of the said contention, the Petitioner sought to place reliance on the regulations relating to Re-employment of Pensioners (Civilians and Ex-Servicemen) which is a book known as Swamy's compilation. In our view, reliance placed on regulations relating to re-employment of ex-servicemen is misconceived in

the teeth of the fact that the Petitioner has been appointed as direct recruit in a unreserved post pursuant to the advertisement dated 20-26th December 2008. Having regard to the said fact, in our view, the Petitioner would not be entitled to pay fixation on the basis that he is an ex-serviceman, the impugned order dated 17/11/2014 therefore is un-exceptional and does not call for any interference of this Court in its writ jurisdiction. The above Writ Petition is accordingly dismissed.

(M.S.KARNIK, J.)

(R.M.SAVANT, J.)