

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO.4747 OF 2018**

Maruti s/o Sandu Salve,
Age: 62 years, Occu: Pensioner,
R/o. Deolai Parisar, Plot No.157,
Naik Nagar, Beed Highway Road,
Aurangabad,
Retired from General Manager,
Telecom, B.S.N.L. Telephone Bhavan,
Kranti Chowk, Aurangabad-431002

PETITIONER

VERSUS

1. Union of India,
Through Director General Department
of Post, Dak Bhavan,
New Delhi-110001
2. The Chief General Manager,
Telecom Maharashtra Telecom Circle,
M.S. Circle, IInd Floor, C.P.C.
Building, Mumbai-400001
3. The General Manager,
Telecom B.S.N.L. Telephone Bhawan,
Kranti Chowk, Aurangabad-431002

RESPONDENTS

.....
Mr. M. K. Deshpande, Advocate for the petitioner
Mr. S. B. Deshpande, ASGI for the respondents
.....

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE : 26.09.2019

PER COURT :

- 1] Heard learned counsel for the parties.
- 2] Challenge is to an order dated 29th October, 2015 dismissing Original Application No.602 of 2012 filed by the writ petitioner before the Central Administrative Tribunal after he had superannuated from service on 30th September, 2009 as a Motor Driver Grade-II.
- 3] The prayer made before the Tribunal was that the petitioner should be promoted as a Motor Driver Grade-I from the date person immediately junior to him in the seniority list was promoted.
- 4] The undisputed facts noted by the Tribunal are that working as a Motor Driver Grade-II, the petitioner applied at the departmental examination for promotion to the post of Telecom Mechanic. He was successful at the departmental examination. He underwent training and with effect from 22nd January, 2001, came to be appointed on promotion

as a Telecom Mechanic, meaning thereby, his cadre changed from that of Motor Driver to Telecom Mechanic. He made a representation (date not known) to be reverted in the cadre of Motor Drivers and by the order dated 25th October, 2007, he was reverted back to the cadre of Motor Driver and was posted as Motor Driver Grade-II i.e. the post held by him before he proceeded to the Telecom Mechanic cadre.

5] In the interregnum, the eligible Motor Drivers Grade-II were appraised at a DPC for promotion as Motor Driver Grade-I and in this manner, persons junior to the petitioner earned promotion to the post of Motor Driver Grade-I, when the petitioner was in the cadre of Telecom Mechanics.

6] The stand taken by the petitioner that he never applied to be promoted in the Telecom Mechanic's cadre has been found to be false with reference to the application produced before the Tribunal by the respondents written in hand by the petitioner containing the request that he should be considered to be promoted as a Telecom Mechanic.

7] It is thus apparent that the changing moods of the petitioner having led to his not being considered at the DPC when eligible persons working as Motor Driver Grade-II were appraised and those who were meritorious were promoted as Motor Driver Grade-I on that date, as noted above, the petitioner with his own volition was promoted as a Telecom Mechanic.

8] We agree with the view taken by the Tribunal and thus, dismiss the petition.

9] No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE

amj