

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.14676 OF 2018**  
**IN**  
**WRIT PETITION NO.2694 OF 2012**

Manik S/o Dadarao Pawar

Applicant

Versus

The Divisional Social Welfare Officer, Latur  
and another

Respondents

Mr.V.M.Chate advocate for the applicant  
Mr. S.W. Munde, AGP for Respondent State

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CORAM : **RAVINDRA V. GHUGE, JUDGE**

(Date : 15<sup>th</sup> March, 2019)

**PER COURT :-**

1 The applicant, who is the respondent in Writ Petition No.2694/2012, is aggrieved by the order dated 23.10.2018, passed by respondent No.1, thereby declaring that, since the writ petition filed by the Divisional Welfare Officer, Latur is pending in this Court, the applicant-employee cannot be considered for promotion.

2 I have heard the learned AGP on behalf of the State and the learned counsel on behalf of the employee.

3 The record reveals that, the applicant-employee had approached the Labour Court in Complaint ULP. No.28/1997 alleging that his termination on 13.4.1997 is an unfair labour practice, after having put in more than seven years in employment. The Labour Court allowed his complaint. The

Industrial Court has rejected the Revision ULP. No.5/2011 filed by the Divisional Social Welfare Officer to the extent of reinstatement in service and has modified the relief of back wages, by reducing the quantum to 50% back wages. The employee has now been reinstated in service and he has also been paid 50% back wages.

4 In the above back drop, I do not find that the order dated 23.10.2018 can be termed as being a fair and sustainable order. Merely because, the writ petition is pending, would not give a right to the petitioner-employer to ignore the claim of the applicant-employee and promote juniors to him.

5 As such, the Civil Application is allowed.

6 The impugned order dated 23.10.2018 is quashed and set aside.

7 It is directed that the claim of the applicant-employee for promotion shall be considered in accordance with the law, service conditions and his seniority amongst comparable employees.

**(RAVINDRA V. GHUGE),  
JUDGE**