

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 953 OF 2014

Gopal Fakirchand Rathi .. Petitioner
Vs
Jawahar Education Society and others .. Respondents

Mr.Yashodeep Deshmukh a/w Mr.Kedar Khambete i/b Vaidehi Deshmukh, for the Petitioner.

Ms.Nisha Mehra - Additional Government Pleader, for Respondent No.4.

Mr.Sudhir S.Hardikar, for Respondent No.1 and 2.

Mr.Rui Rodrigues, for Respondent No.5.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 8 July, 2019.

P.C. :

1. As arguments proceeded it dawned that neither the policy document issued in the year 2000 nor pleadings relatable thereto where-from claim for senior scale on rendering four years service and selection scale on rendering further four years service are made.

2. Unless entitlement of the Petitioner to senior scale and selection scale is decided the issue : In what replacement scale the Petitioner should be placed post 2006 cannot be decided.

3. Though there is a reference to a career advancement scheme, there are no pleadings in relation thereto.

4. Faced as aforesaid, on obtaining telephonic instructions from the client learned counsel for the Petitioner seeks leave to withdraw the Writ Petition with right reserved to file a fresh petition making same prayers.

5. Granting liberty as prayed for with further observations, that if Petitioner files another Writ Petition making same prayers, on the issue of delay and laches it would be kept in mind that for nearly five years the instant Petition was pending in this Court, the Petition is dismissed as withdrawn granting liberty as sought.

N.M.JAMDAR, J.

CHIEF JUSTICE