

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.949 OF 2017

(Shri Maroti s/o Zolbaji Varghane vs. Maharashtra State Electricity Transmission Co. Ltd. and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.B. Tiwari, Advocate for petitioner.
Shri D.M. Kale, Advocate for respondents.

CORAM : R.K. DESHPANDE AND
MILIND N. JADHAV, JJ.

DATED : NOVEMBER 19, 2019

The petitioner was working on the post of Junior Technician (Grade IV). He was promoted to the higher post of Junior Technician (Grade III) on 23/7/2014. The petitioner refused his promotion on 20/8/2014. Consequently, two orders were passed on 22/9/2014 and 11/5/2015 withholding the benefit granted to the petitioner after completion of 28 years of service. This was in accordance with Rule 29(f) of the Maharashtra State Electricity Transmission Co. Ltd. Employees' Service Regulations, 2012. The petitioner challenged the order dated 11/5/2014 before Industrial Court in Complaint (ULP) No.220/2015. It was dismissed by the Industrial Court on 23/11/2016 holding that the petitioner did not challenge the order dated

22/9/2014 and the order dated 11/5/2015, which was challenged, was the fall out of the order dated 22/9/2014. This decision has attained finality.

2) In view of above, we do not find any substance in the claim of the petitioner as is made in the petition.

3) At this stage Shri Tiwari, learned Counsel for the petitioner, invited our attention to the subsequent change in the policy decision of the respondents, which is evident from Office Order No.17 dated 17/11/2017. The learned Counsel submits that the petitioner is entitled to the benefit of it.

4) This is not the claim made in the petition. We, therefore, permit the petitioner to make a representation to the respondents on the basis of such Office Order, which can be decided in accordance with law.

5) With the aforesaid observations and keeping the question of benefit of Office Order open, the writ petition is dismissed.

JUDGE

JUDGE

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