

Sequeira

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

WRIT PETITION NO. 1449 OF 2016

Mr.Nijaguneppa Basavanappa Nalwar .. Petitioner
Vs
Union of India and others .. Respondents

Mr.Anand Kulkarni, for the Petitioner.
Ms.Anjali Helekar a/w Purnima Awasthi, for Respondents.

*CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.
Date : 21 January 2020.*

P.C. :

Heard learned Counsel for the parties.

2. The Petitioner is aggrieved by the order passed by the Central Administrative Tribunal, Mumbai dismissing his Original Application wherein the Petitioner had claimed that certain periods to be considered as service rendered by the Petitioner in the cadre Higher Skilled Grade-I for the purpose of calculating pensionary benefits. The Tribunal after considering the Government of India's instructions under Fundamental Rules 26(4) came to the conclusion that as a matter of fact the Petitioner was not promoted to this post even on ad-hoc basis and therefore, was not entitled to the benefit sought.

3. It is the contention of the learned Counsel for the Petitioner that the Petitioner was entitled to be promoted however, some other employee was promoted to the post and the Petitioner did work in the promotional post which fact has also been admitted by Respondents in the reply affidavit.

4. For the period asserted by the Petitioner Petitioner worked on leave vacancy. It has not been pointed out to us that work on leave vacancy would entitle the Petitioner for the benefits claimed.

5. In these circumstances, the view taken by the Tribunal upon interpretation of the Rules and material before is a possible view.

6. Writ Petition is rejected.

M.S.KARNIK, J.

NITIN JAMDAR, J.