

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 WRIT PETITION NO.11397 OF 2016

RAMAKANT MURAR PATEL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Kadam Gajanan G.
AGP for Respondents-State : Smt. V. N. Jadhav-Patil.
...

**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 05.10.2021

PER COURT :-

1. On 16.09.2021, the learned advocate representing respondent Nos.7 and 8, Zilla Parishad, did not remain present in the Court. Even today he is absent.

2. The petitioner has put forth prayer clauses "C", "D", "E" and "F" as under :

"C] By way of writ of certiorari or any other appropriate writ, order or directions to the respondent authorities may kindly be directed to give the deemed date of time-bound 2nd promotion of 12 years i.e. benefit of completion of 24 years service of the petitioner and also the benefits of such time-bound second promotion be given to the present petitioner."

"D] The respondent authorities may kindly be directed to restore the reduced pay scale of the petitioner from Rs.9300-34800-4400 time bound-5400/- to earlier pay scale granted to the petitioner and withdrawn by him till his retirement i.e. Rs.15600-39100-6600. So also, the difference or arrears of pay scale till the passing of order also may kindly be directed to be given the petitioner."

"E] The respondent authorities may kindly be directed to pay the interest for the delayed period of one and half year upon the pensionary benefits and death come retirement gratuity amount to the petitioner."

"F] The respondent authorities may kindly be directed to give all the pensionary and service benefits including time bound promotion applicable to the present petitioner in line with Dr. A. T. Abid who was also appointed by the same order dated 26.11.1982 along with the petitioner."

3. We have considered the submissions of the learned advocate for the petitioner and the learned AGP representing respondent Nos.1 to 6. We have gone through the affidavit-in-reply filed by Dr. Radhakisan Baburao Pawar, District Health Officer, Zilla Parishad, Nandurbar dated 17.02.2017. Having read the said affidavit-in-reply, we are unable to understand as to what does the Zilla Parishad intend to convey. The entire affidavit seems to be suffering from serious grammatical mistakes leading to a confusing impression.

4. We find that the petitioner has repeatedly represented to the District Health Officer, Zilla Parishad, Nandurbar contending that he is entitled to a deemed date for the second promotion under the time bound promotion scheme (after completion of 24 years in service) and based on such deemed date, the benefits of such second promotion will have to be extended to him. So also, it would directly affect the quantum of his pensionary benefits and arrears of pay scale. We find from the petition paper book that the petitioner started tendering his representations from page No.70 to page No.111 of the petition paper book, in between August 2014 till April 2016. The petitioner has already superannuated on 31.05.2014.

5. In view of the above, we are disposing off this petition with the following directions :

- (a) The petitioner shall tender a comprehensive representation addressed to the Chief Executive Officer, Zilla Parishad, Nandurbar, to be tendered on or before 25.10.2021.

- (b) The Chief Executive Officer, Zilla Parishad, Nandurbar shall personally deal with this matter with the assistance of such Officers, who are concerned with the Department, in which the petitioner has discharged his duties till his superannuation.
- (c) If necessary, the Chief Executive Officer shall call upon the petitioner to remain present before him on a particular date and time for an interaction and after affording a reasonable opportunity of hearing, shall pass a reasoned order, on or before 30.11.2021.
- (d) If the petitioner is aggrieved by the order which would be passed by the Chief Executive Officer as directed above, he would be at liberty to seek remedy as may be permissible in law.
- (e) All the grounds raised by the petitioner including the ground of parity, subject to there being no

legal impediment, shall be considered by the Chief
Executive Officer.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-