

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.5075 OF 2006

(Subodh Keshavrao Rokade Vs. National Textile Corporation and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

None for the petitioner.

Shri M.R. Puranik, Advocate for respondent Nos.1 to 3.

Mrs. S.S. Jachak, Assistant Government Pleader for
respondent No.4/State.

CORAM:- A.S. CHANDURKAR AND G.A.SANAP, JJ.
DATED :- DECEMBER 17, 2021.

Despite grant of sufficient opportunity, there is no representation on behalf of the petitioner.

2. We have heard Shri M.R. Puranik, learned counsel for respondent Nos.1 to 3.

3. The facts on record indicate that the petitioner was appointed as a Management Trainee with respondent No.2 on 17/09/1989. Subsequently, he came to be promoted on the post of Departmental Assistant (Spinning) on 11/12/1990. This promotion was initially accepted without any protest. However, on 19/11/1994, the petitioner raised a protest stating therein that he ought to have been appointed in the officers cadre and not in supervisory capacity. Thereafter on 18/04/1997, the petitioner was further promoted to the post of Junior Assistant which he accepted under protest. In view of the

service conditions of respondent No.2 as the promotee-petitioner raised a protest to the order of promotion, the same came to be withdrawn. Thereafter on 15/06/1998, the petitioner was promoted to the post of Assistant Officer (Spinning). As this order of promotion was accepted under protest by the communication dated 24/06/1998, the said order was also withdrawn. In this backdrop, the petitioner has challenged the initial order of promotion dated 11/12/1990 on the post of Departmental Assistant (Spinning).

4. It is submitted by the learned counsel for respondent Nos.1 to 3 that on 21/05/1999, the petitioner issued a communication to the respondent No.2 in which it is stated that he was accepting the promotion on the post of Assistant Officer (Spinning) without any protest. The petitioner has however suppressed the aforesaid communication by not referring to the same in the writ petition. As a result of the subsequent promotion being accepted without protest, there would be no question of challenging an earlier promotion that was granted on 11/12/1990.

5. After hearing the learned counsel for respondent Nos.1 to 3 we find that on 15/06/1998 the petitioner was promoted as Assistant Officer (Spinning). Though the petitioner had issued a protest letter in that regard, he has withdrawn that protest on 21/05/1999. In other words, he was satisfied on his promotion as Assistant Officer (Spinning). Once the petitioner accepted

his promotion as Assistant Officer (Spinning) from 15/06/1998 there would be no occasion to challenge an earlier order of promotion dated 11/12/1990.

6. For the aforesaid reasons we find the challenge raised in the writ petition to be misconceived. The writ petition, therefore, stands dismissed with no order as to costs.

(G.A. SANAP, J.)

(A.S. CHANDURKAR, J.)

**DB*