

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

WRIT PETITION NO. 6529/2019

(HANSRAJ BHAIYALAL PANDEY **VERSUS** ADDITIONAL COMMISSIONER, NAGPUR DIVISION,
NAGPUR & OTHERS)

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

Court's or Judge's order

Shri D.T. Shinde, counsel for the petitioner.
Mrs. T.H. Khan, Assistant Government Pleader for the R-1.
Shri A.Y. Kapgate, counsel for the R-2.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 05, 2022.

P.C.

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

The petitioner seeks grant of deemed date of promotion as on 01.03.2004 as it is his case that the original respondent no.3 who was junior in service to him was promoted on that date. The aforesaid dispute was the subject matter of an appeal before the Additional Commissioner who by the order dated 27.05.2014 was pleased to allow the appeal preferred by the petitioner and remand the proceedings to the Chief Executive Officer, Zilla Parishad, Gondia for passing appropriate orders. It is submitted by the learned counsel for the petitioner that the Deputy Chief Executive Officer on 11.10.2018 had issued notice to the petitioner in the said appeal. The petitioner had remained present before the said Authority on 16.10.2018. However, thereafter there is no intimation to the petitioner as regards adjudication of the said appeal.

In these facts, the respondent no.2-Chief Executive Officer, Zilla Parishad, Gondia is directed to decide the appeal preferred by the petitioner in furtherance of the order passed by the Additional Commissioner on 27.05.2014, if such appeal has not been already decide. To enable consideration of that appeal, if pending, the petitioner shall appear before the Chief Executive Officer, Zilla Parishad, Gondia on 12.09.2022. The Chief Executive Officer shall within a period of four weeks from that date take a decision on the appeal preferred by the petitioner in accordance with law.

All points raised on merits in the writ petition are kept open.
Rule is disposed of in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE