

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

WRIT PETITION NO. 1858 OF 2020

Gangadhar S/o Kisan Gavatre

..VS..

Maharashtra Jeevan Pradhikaran, Mumbai through its Member Secretary and others

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

Court's or Judge's orders

Mr. P.D. Meghe, Advocate for petitioner.
 Mr. D.M. Kakani, Advocate for respondents 1 to 3.
 Mr. M.K. Pathan, Advocate for respondent 6.

CORAM : ROHIT B. DEO AND Y.G. KHOBRADE, JJ

DATED : JANUARY 18, 2023

Heard.

2. The grievance of the petitioner is that the respondent 2 – Senior Accounts Officer, Maharashtra Jeevan Pradhikaran, Navi Mumbai rendered an illegal order dated 14.03.2018 which holds that the petitioner was not entitled to the promotional pay-scale with effect from 1998 since he cleared the requisite examination only in the year 2004. As a consequence of the said order, the petitioner is reduced in pay-scale and consequently the pension is also adversely affected.

3. The respondents have fairly conceded to the position, that the petitioner did make a request for permission to appear in examination in the year 1993 and then again in the year 1999, however, since only limited employees could have appeared at the examination, it was only in 2004 that the petitioner was allowed to appear in examination on the basis of the seniority. It is now not in

dispute that the petitioner was ready and willing to appear in examination, and that he could appear only in the year 2004, cannot be attributed to any fault on his part.

4. In view of the admitted position on record, we quash and set aside the order dated 14.03.2018 and allow the Petition in terms of prayer clauses (iii) and (iv) with the limited modification that the interest shall be paid @ 6% per annum.

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

Kirtak