

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

(1) WRIT PETITION NO.2387/2018

Shri Sainath V. Racharlawar,
aged about 50 Yrs., Occ. District Manager,
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
Dr. Babasaheb Ambedkar Building/Bhavan,
Amravati, R/o Shyam Nagar, Galli No.2,
Amravati.

.. Petitioner

- Versus -

1. The State of Maharashtra,
through its Secretary, Department of
Social Welfare, Mantralaya, Mumbai-32.
2. Managing Director, Sahityaratna Lokshahir
Anna Bhau Sathe Development Corporation
Ltd., New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071.
3. General Manager,
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071.
4. Deputy General Manager (Administration),
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071.

5. Deputy General Manager (Finance & Audit),
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071. ... Respondents

(2) WRIT PETITION NO.2388/2018

1. Shri Gangadher Ramchandra Shriramwar,
aged about 54 Yrs., Occ. District Manager,
Medical Square, Nalanda Nagar, Board
Koulkhed Road, Akola, R/o Keshav Nagar,
Near Lahani Mangal Karyalaya, Akola,
Dist. Akola.
2. Shri Ramesh Gangadhar Darbestewar,
aged about 48 Yrs., District Manager,
Occ. At Palaswadi Camp, Behind Dakshata
Hall, Lokshahir Annabhau Sathe
Development Corporation Ltd.,
Dr. Babasaheb Ambedkar Bhavan,
Yavatmal, R/o Green Park Society,
Old Umarkheda, Pl. No.34, Yavatmal,
Dist. Yavatmal. .. Petitioners

- Versus -

1. The State of Maharashtra,
through its Secretary, Department of
Social Welfare, Mantralaya, Mumbai-32.
2. Managing Director, Sahityaratna Lokshahir
Anna Bhau Sathe Development Corporation
Ltd., New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071.

3. General Manager,
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071.
4. Deputy General Manager (Administration),
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071.
5. Deputy General Manager (Finance & Audit),
Sahityaratna Lokshahir Anna Bhau Sathe
Development Corporation Ltd.,
New Administrative Building No.2,
3rd Floor, 'B' Wing, R.C. Road, Chemur
(East), Mumbai 400 071. ... Respondents

Mr. P.P. Thakare, counsel for the Petitioners.

Mr. S.M. Ukey, Additional Government Pleader for Respondent 1.

Mr. R.D. Wakode, counsel for respondents 2 to 5.

(..in both petitions)

CORAM: ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 9.3.2023

ORAL JUDGMENT (Per Rohit B. Deo, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. These petitions involve common issue and are heard and decided together.

3. The petitioners were granted deemed date of promotion and corresponding pay-scale w.e.f. 1.5.1998.

4. By the orders impugned the decision to grant deemed date of promotion and corresponding pay-scale is revoked.

5. We have perused the additional affidavit filed on behalf of respondents 2 to 5, the relevant portion of which reads thus:-

“3. It is submitted that the perusal of the Minutes dated 18-4-2018 and the resolution No.95/2005 would reveal before this Hon’ble Court that the respondent no.2-Corporation had passed the resolution constituting the enquiry committee for examining the aforesaid cases including that of the petitioner and had further directed that the aforesaid enquiry report should be placed by the enquiry committee before the Board of Directors for its implementation. It is submitted that the enquiry report is now submitted by the enquiry committee before the respondent no.2 on 05-1-2023. That the

Meeting of the Board of Directors of the respondent No.2 Corporation is due in the month of February 2023 and in the said meeting the aforesaid enquiry report dated 05-1-2023 will be placed before the Board of Directors for its implementation. It is therefore, most humbly submitted that the answering respondents pray for a period of four weeks for communicating the aforesaid decision of the Board of Directors taken in the meeting scheduled this month, in the interest of justice.”

6. We were informed on 9.2.2023 that the Board of Directors of the Corporation shall take an appropriate decision on the basis of the record of the Enquiry Committee.

7. The learned counsel for respondents 2 to 5 Mr. Wakode informs us that presently an Administrator is in-charge of the Corporation. We are further informed that the Managing Director of the Corporation did make an attempt to convene a meeting which was expected to be presided over by the Administrator. However, Administrator appears to be pre-occupied in pressing matters, with the result that the proposed meeting is not held.

8. Be that as it may, we note that there is already a report of the Enquiry Committee which holds that the deemed date of promotion was correctly granted to the petitioners.

9. In this view of the matter, we are not inclined to keep the petitions pending.

10. We quash the orders impugned and allow the petitions in terms of prayer clause (b) of the petitions which read thus:-

In Writ Petition 2387/2018

“(b) Direct the respondents to restore the order dated 23.9.2013 (Annex-IX) granting the deemed date of promotion and Pay Scale w.e.f. 01.05.1998 in the pay scale of Rs.6500-200-10500/- passed by the respondent no.2 and pay the salary recovered from the petitioner after passing of the impugned order 09.08.2017/23.08.2017 (Annex-XV) passed by the respondent No.2.”

In Writ Petition 2388/2018

“(b) Direct the respondents to restore the order dated 25.02.2014 (Annex-XII) granting the deemed date of promotion and Pay Scale w.e.f. 01.05.1998 in the pay scale of Rs.6500-200-10500/- passed by the respondent

no.2 and pay the salary recovered from the petitioner after passing of the impugned order 09.08.2017/23.08.2017 (Annex-XXVI & XXVII) passed by the respondent No.2.”

11. The petitions are disposed of in the aforestated terms.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)