



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

WRIT PETITION NO.6433 OF 2024

Union of India and others.

... **PETITIONER**

VERSUS

P Venkat Ramana.

... **RESPONDENT**

Ms Meghna Munshi, Counsel for Petitioners.

CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. AND
NITIN W. SAMBRE, J.

DATE : NOVEMBER 14, 2024

P. C. :

1. Heard.
2. This petition is by the Union of India questioning the order dated March 21, 2024 delivered in Original Application No.324 of 2023 by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur.
3. The Central Administrative Tribunal vide impugned order has allowed the Original Application with a direction to the petitioners to pay the Kilometer Allowance to the respondent-Security Guard for the period from June 11, 2017 to June 10, 2018 with interest, which is applicable to the Government Provident Fund, within a period of three months from the date of receipt of a certified copy of the order.

4. The contentions of Ms Munshi, learned counsel appearing for the petitioners, are that the respondent-employee was never directed to work as the Safety Counsellor, as according to her, there is no approval to the orders of posting dated December 02, 2014 and June 29, 2016, being advisory in nature. According to her, the post of Safety Counsellor was abolished in 2014, which fact is overlooked by the Central Administrative Tribunal.

5. We have appreciated the aforesaid contentions in the light of the rival pleadings before the Central Administrative Tribunal and also the findings recorded in the order impugned.

6. It is not in dispute that the respondent-employee stood superannuated on April 30, 2021, before which he made repeated representations to the petitioners to release his dues while working as a Safety Counsellor.

7. It is not in dispute that the post for which the dues are directed to be released was duly occupied by the respondent-employee and he has discharged the duties of Safety Counsellor.

8. In such an eventuality, the claim of the petitioners that the post was abolished and the respondent-employee continued to work on the said post on his volition cannot be accepted, as the petitioners have adopted

a system of giving posting orders to their employees. Nothing contrary is brought to our notice by the petitioners.

9. In that view of the matter, no case for causing interference in extra-ordinary jurisdiction is made out by the petitioners.

10. The petition stands dismissed. No costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)