

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6944 OF 2022

The Divisional Controller

VERSUS

Sudam Madku Tawde

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Advocate for the Petitioner : Mr. Shinde Manoj Dharmaraj

Advocate for Respondent : Mr. Devyani S. Sonawane h/f Mr.
Chaudhari N.L.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 04, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioner is challenging the order dated 08.03.2021 passed by the learned Industrial Court in Complaint (ULP) No.03 of 2019, whereby the complaint filed by the respondent came to be allowed.
3. It is the case of respondent herein before the Industrial Court that he joined the service of MSRTC on 31.11.1985 as a Clerk and was posted at Akkalkuwa Depot and thus, he was transferred to various places. He was regularized on the post of Accountant from 04.04.2008 and subsequently, he retired from service on 31.10.2018. His case was that he was temporarily promoted on 23.05.2006 and his pay fixation was not done properly considering his continuous service. Therefore, he filed a complaint before the Industrial Court.

4. It was a stand of the petitioner/MSRTC that the respondent/employee has accepted the promotion on temporary basis and there are circulars which provided that the employee for getting a benefit of selection grade ought to have completed continuous service of 12 years. As there were breaks in service, the respondent/employee was not entitled to receive all the benefits of the selection grade once he accepted the break in service and promotional post on temporary basis. Counsel for the petitioner submits that the circular was misinterpreted by the Industrial Court and, therefore, there is a case made out to interfere with the order passed by the Industrial Court. He further submits that once he accepted the reversion order, he is not supposed to claim the benefit of selection grade.

5. I have gone through the orders passed by the Industrial Court as well as the documents which are placed on record. I have gone through the circular of the MSRTC. There is no dispute about the fact that though the petitioner was given a promotion on temporary basis and he continued in service though on temporary basis and this very fact was considered by the learned Industrial Court. Only because for some period the petitioner had worked on temporary basis and there were technical breaks, that cannot be a ground to deny the benefit of selection grade.

6. The learned Industrial Court has considered all the aspects of the matter. Therefore, I do not find any reason to interfere

with the order dated 08.03.2021 passed by the learned Industrial Court in Complaint (ULP) No.03 of 2019.

7. In view thereof, writ petition stands dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)