

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10605 OF 2025

Shri. Namdeo Runjaji Hire
S/o. Late Shri. Runjaji Hire

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Mr. K. Babu Rajan i/b. Mr. Anupam Chattopadhyay, for the Petitioner.
None for the Respondents.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 18th AUGUST 2025.

P.C. :

The petitioner is seeking a declaration from the writ Court that he is entitled to promotion with effect from 16th September 2006. Consequent upon such declaration, the petitioner claims that his pay-scale should be fixed with effect from 16th September 2006 granting him the benefits under 6th CPC and 7th CPC. The petitioner further seeks a direction for payment of pension, gratuity, leave encashment, etc. on revised pay-scale. The learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 8th October 2016 passed by the Assistant Manager, Currency Note Press at Nashik Road.

2. However, just to indicate, the aforesaid order dated 8th October 2016 is not put to challenge by the petitioner. By this order, the petitioner was granted the scale of Rs. 2,400 (in the revised pay-scale of Rs. 2,800) as per 5th Pay Commission, on notional basis with effect from 26th April 2014.

3. The petitioner has based this writ petition on the decisions in

“Bank of India and Anr. v. Degala Suryanarayana” [(1999 (5) SCC 762)] and *“Union of India v. K.V. Jankiraman & Ors.”* [(1991) 4 SCC 109]. Mr. K. Babu Rajan, the learned counsel for the petitioner referred to the observations in “Jankiraman” and “Suryanarayana” to lay support to the prayers made in this writ petition and submits that the respondent-Authority was required to follow sealed cover procedure at the time when first DPC was convened and a co-employee junior to the petitioner was considered for promotion.

4. The petitioner who was appointed in the year 1983 attained the age of superannuation and retired on 31st May 2015. During this period, he was promoted to the post of Senior Machine Assistant and was granted pay-scale of Rs.3,050-4,590. It so happened that the petitioner was implicated in a criminal case on the charge of abetment of suicide and was taken into custody on 25th July 2005 and under Rule 10(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, an order of deemed suspension was passed on 29th July 2005. In the departmental proceeding, the petitioner was imposed penalty of censure but in the criminal case he was exonerated of charges framed against him by virtue of the judgment dated 28th September 2015. The whole claim of the petitioner seems to be that a co-employee who was junior to him was granted promotion, but then, there is no rule of universal application that a Government employee who is junior to the aggrieved person cannot be granted promotion. The petitioner nowhere states that on the date when DPC was convened his name was included in the list. He also does not claim that as on 16th September 2006 he was eligible in all respects and entitled for consideration of his case for promotion. This is also not brought on record whether or not the petitioner was considered for promotion in the subsequent DPCs convened after the year 2006. It was only after the penalty of censure

was imposed upon him and he superannuated from service that he approached this Court in Writ Petition No.3494 of 2018. However, that writ petition was also withdrawn by him on 8th November 2019 for making a representation before the respondent-Authority. On the other hand, his departmental Appeal has failed and the order of punishment was confirmed by the Appellate Authority. Apart from all this, there is no explanation offered by the petitioner why he approached this Court about three years after he retired from service. In his representation dated 12th November 2019, the petitioner simply narrates the aforementioned facts without indicating the basis for seeking promotion from 16th September 2006.

5. The question of delay and laches is considered important factors for not exercising the jurisdiction under Article 226 of the Constitution of India. When an employee who seeks promotion must first demonstrate that he is entitled for promotion and he was prevented on account of reasons beyond his control to approach the Court in time and, that, the cause of action is continuing cause of action. In *“Jagdish Lal v. State of Haryana”* [(1997) 6 SCC 538] the Hon’ble Supreme Court observed that a person cannot stand to benefit if he was not vigilant or sitting over his rights.

6. Not only this Court does not find any merit in this writ petition, we are inclined to observe that there is no absolute right to a Government employee to seek promotion and the decision of the employer as contained in the order dated 8th October 2016 does not suffer from any arbitrariness.

7. Writ Petition No.10605 of 2025 is dismissed.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]