



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

SECOND APPEAL NO.224 OF 2025

Nivrutti Wamanrao Sarnaik .Vs. Zilla Parishad, Akola through its CEO, Akola and
others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. O.Y. Kashid, Advocate for appellant.

CORAM : ROHIT W. JOSHI, J.

DATE : 06/10/2025

1. The present second appeal arising out of concurrent decrees passed by the learned Courts dismissing the suit for recovery of damages and interest on account of the alleged delay in granting benefit of the Trained Graduate Teacher Pay Scale to the appellant, who is working as a teacher on private aided school. The learned trial Court has recorded the findings that the delay was attributable to the plaintiff based on the evidence on record. The learned First Appellate Court has confirmed this findings. The findings recorded by both the learned Courts are pure findings of facts. Such findings of fact do not warrant any interference in exercise of jurisdiction under Section 100 of the Code of Civil Procedure.

2. The learned Advocate for the appellant has not pointed out that any material piece of evidence is not taken into consideration or that the findings are perverse in any

manner. The learned advocate urges this Court to take a different view of the matter on reappreciation of evidence which is beyond the jurisdiction of this Court while exercising appeal under Section 100 CPC. No substantial question of law arises for consideration. Accordingly, second appeal is **dismissed**.

3. As regards the delay in payment of pension, it will be open for the appellant to seek interest on the same in view of the provisions of the Maharashtra Civil Services (Pension) Rules, 1982. If such application is made to the concerned authority, the same will be decided on its own merits, without being influenced by dismissal of the suit.

(ROHIT W. JOSHI, J.)