



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

**WRIT PETITION NO. 6296 OF 2022**

Sheshrao Gosavi Khadane,  
Aged 70 yrs, Occ. Retired,  
R/o Plot No. 63, Shri Mahalaxmi Nagar,  
Process Server Co Op. Hsg. Society,  
P.O. Mhalgi Nagar, Hudkeshwar Road,  
Nagpur 440 034

.....**PETITIONER**

**...VERSUS...**

1.The Regional Manager,  
Reserve Bank of India,  
Dr. Raghavendra Rao Road,  
Civil Lines, Nagpur 440 001

2. The Chief General Manager,  
Reserve Bank of India,  
Human Resource Management  
Department, Central Office  
Building, S.B. Road, Fort,  
Mumbai 400 001

.....**RESPONDENTS**

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Mr. Anil A. Dhawas, Advocate for petitioner.  
Mr. R.M. Bhangde, Advocate for respondent Nos. 1 and 2.  
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**CORAM:- ANIL S. KILOR, &**  
**RAJNISH R. VYAS, JJ.**

**DATED : 01.10.2025**

**JUDGMENT (Per : Anil S. Kilor)**

The petitioner herein was working in Reserve Bank of India and

was appointed as Typist on 18.2.1976, a post reserved for Scheduled Tribe Candidate. The petitioner and some employees were denied Assured Promotion of Class III employees from group A to group D. It is the case of the petitioner that as per Memorandum of Settlement signed between the All India Reserve Bank Employees Association and Management of respondent No.3, dated 5.10.2005, the petitioner is entitled for such benefits. The benefit was agreed by the respondent to extent to the employees if they submit their Caste Certificate for verification to Caste Scrutiny Committee and produce a proof of submission of such caste claim. It further makes it clear that otherwise the promotion of the employees were considered in light of judgment in Writ Petition No.1562/2004 filed by some of the employees including the petitioner.

2. It is argued that said writ petition was dismissed and the matter went to the Hon'ble Supreme Court of India. The Hon'ble Supreme Court, by way of reported judgment in case of **Gajanan Marotrao Nimje and Ors Vs. Reserve Bank of India and Ors (2019) 12 SCC 639 ("Gajanan Nimje")** disposed of the appeal issuing following directions:

*"11.1 Therefore, these appeals are disposed of as follows:- In partial modification of the impugned judgments, it is ordered that all the appellants shall be placed below the last of the general category candidate as on 28.11.2000 and will be continued as such till their superannuation. All the benefits which the appellants earned as reserved category candidates after 28.11.2000 will be surrendered/recovered. After 28.11.2000 the benefits available to the reserved category candidates will be given to the members of the reserved category regarding whom there is no dispute. There shall be no recovery of any6 benefits*

*from the employees who are already superannuated. Action, if any, taken pursuant to the impugned judgment(s) will stand recalled and modified to the extent indicated hereinabove.*

*11.2 Needless to say that the notification dated 24.12.2013 will be appropriately reconsidered.”*

3. In view of the above referred directions, the petitioner, who got superannuated on 31.07.2012 made an application on 14.12.2020 requesting respondent for release of arrears attracting to Group 'D' posts for the period of 05.10.2005 till 31.07.2012. The said request was denied by respondent vide communication dated 25.06.2021 which is impugned in the present petition.

4. Mr. Bhangde, learned counsel for petitioner opposes the present petition on the ground that the judgment of the Hon'ble Supreme Court in case of **Gajanan Marotrao Nimje** (supra) will not be applicable to the petitioner for the simple reason that the petitioner got superannuated on 31.07.2012, whereas, as per the judgment of the Hon'ble Supreme Court, it was ordered that all the appellants in that SLP shall be placed below the last of the General Category candidates as on 28.11.2000 and will be continued as such till their superannuation. All the benefits which the appellants earned as Reserved Category Candidates after 28.11.2000 will be surrendered/recovered. After 28.11.2000 the benefits available to the Reserved Category Candidates will be given to the members of the Reserved Category regarding whom there is no dispute. It is further held that there shall be no recovery of any benefits from the employees, who are already superannuated. It is therefore, argued that since there cannot be any

recovery against the petitioner or the petitioner cannot put in General Category Candidate's list, the benefit as claimed by the petitioner of group 'D' post cannot be granted to him. It is further pointed out that the respondent Reserve Bank of India on 01.07.2013, issued Circular whereby the claim of the candidates, who agreed to treat them as General Category Candidate was considered and in compliance with the same, on 19.7.2013, the list of 139 employees were declared, wherein the name of the petitioner was not included for the reason that at the time list published or Circular dated 01.07.2013 issued, the petitioner was retired. It is submitted that even said decision of non inclusion of the petitioner's name in the list of 139 employees was never challenged. Accordingly, prays for dismissal of the present petition.

5. Having gone through the record and the judgment of the Hon'ble Supreme Court, we find substance in submissions of learned counsel for respondent that observations in paragraph 11.1 of the Judgment of **Gajanan Nimje** (supra) is not applicable to the petitioner for the simple reasons that as petitioner got superannuated on 31.07.2012 i.e. much prior to the judgment of the Hon'ble Supreme Court of India i.e. 11.10.2018. In the Circular dated 01.07.2013 it is observed that the employees belonging to Scheduled Tribe, who have been denied promotions under Assured Personal Promotion as applicable to Officers; intra-cadre Assured Career Progression for group A to group D and group B to Group D in class III staff and Time Bound Promotion Scheme applicable in Senior and Head Category employees (in Class IV) on account of non-submission of Caste Certificate and/or invalidation etc of their caste certificate, who have now agreed to be treated as employees in General Category on the conditions indicated against A(i) to (iii) in the earlier paragraph may be considered for granting Time Bound Promotion/Assured Promotion/Personal Promotion etc as per settlement/Central Office Instructions.

6. The word now used in the above referred clause of the Circular

makes it clear that it was applicable to the employees, who were in service on 31.7.2013 and accordingly, the list which was published of 139 of such employees, who were in service at the relevant time.

7. In the circumstances, for the reasons recorded herein above, we do not find any merit in the petition. Accordingly, petition is dismissed.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)