

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

Writ Petition No.135 of 2015

(Shyam s/o. Baburao Hazare and Ors. vs. State, through its Secretary, Ministry of Revenue and Forest, Mantralaya, Mumbai and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.G.N.Khanzode, Adv. for the petitioners.
Mr.A.S.Fulzele, A.G.P. for respondent nos. 1 to 4.

CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.

DATE : 21.4.2015.

Heard.

The petitioners are not parties in O.A. No.578 of 2013 before the Maharashtra Administrative Tribunal. The proceedings were filed before it by Rajshri d/o. Rajaram Malewar and have been disposed of on 16th September, 2014 with consent. In this situation, contending that, because of orders of M.A.T. and its implementation, the petitioners are being adversely affected, present petition has been filed.

During the arguments, Mr.G.N.Khanzode, learned Counsel for the petitioners submitted that the petitioners have been promoted on 11.2.2014 and because of finalisation of seniority list, as per the impugned order of M.A.T., they are being reverted. The learned Counsel submitted that the petitioners needed to be heard before such reversion.

We have heard Mr.A.S.Fulzele, learned A.G.P.

for respondent nos. 1 to 4. He submits that the M.A.T. has proceeded further with consent of the parties and in the light of earlier adjudication in O.A. No.46 of 2014 dt.16.7.2014, appropriate orders have been passed by consent of the parties.

The petitioners have not annexed orders of their promotion. During the arguments, Mr.G.N.Khanzode, learned Counsel fairly stated that the petitioners were promoted only for a period of eleven months. He, however, insists that their reversion is only because of finalisation of seniority list in terms of the impugned order dt.16th September, 2014.

If the impugned orders operate to the prejudice of the petitioners or they have been obtained without disclosing correct state of affairs to M.A.T., it is open to the petitioners to file appropriate proceedings before the M.A.T. itself and to point out necessary facts and to make the grievance accordingly. That has not been done.

Here, without annexing copies of promotion orders, the grievance that - a vested right is being taken away has been made. We are not in a position to appreciate such contention in absence of necessary documents.

In any case, the grievance first needed to be made before M.A.T. Hence, with liberty to the petitioners to approach the Maharashtra Administrative Tribunal in the matter in appropriate jurisdiction, we dispose of the present Writ Petition.

JUDGE

JUDGE

**jaiswal*