

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 4926 OF 2016
WITH CA/5917/2016 IN WP/4926/2016

JAGDISHKUMAR NAVAL SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Kalpalata Bharaswadkar Patil
AGP for Respondents: Mr. S.B. Pulkundwar.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 19th September , 2017.

PER COURT:

1] Mrs. Kalpalata Patil Bharaswadkar, learned counsel for the petitioner submits that the Tribunal while passing the final order gave directions to decide the representation of the original claimant without giving guidelines or stating the manner in which it is to be decided.

2] We have heard the learned AGP.

3] It appears that the counsel for the petitioner before the Tribunal was not present when the matter was decided. Be that as it may, it is submitted that after the impugned order is passed by the Tribunal, the authority has decided the representation of the original applicant and has passed orders, wherein, the present petitioner is reverted. Learned counsel for the petitioner states that the petitioner has challenged the said order of reversion before the Tribunal by filing substantive proceeding/application.

4] In view of the fact that pursuant to the order of the Tribunal, decision has already been taken by the authority, and the present petitioner has challenged the said decision also before the Tribunal by filing substantive original application, the arguments in the present matter would remain

academic.

5] Present petitioner can agitate all the grounds available to him in the Original Application filed by the petitioner challenging the decision of the authority in the substantive application filed before the Tribunal. In the light of aforesaid, writ petition stands disposed of. No costs. Civil application also stands disposed of.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-