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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5500 OF 1997

State of Maharashtra and others ...Petitioners
vs.
Prashant P. Nichal & Ors. ...Respondents

Mr.Dharmesh Jain i/b Ms Suman Jain for the
Petitioner
Ms N.M.Mehra, AGP for the Respondent Nos.1 to 3.

CORAM : A.S.OKA, &
 SMT.VIBHA KANKANWADI, JJ.
DATE : JULY 13, 2017

ORAL JUDGMENT (PER A.S.OKA, J)

1 The learned AGP for State seeks time when the petition was called for final hearing. The first respondent who was at the relevant time Joint Director of Horticulture, Pune filed Original Application before the Maharashtra Administrative Tribunal. Following is the operative part of the order passed by the Maharashtra Administrative Tribunal:

"10 In the result the application is partly allowed. The impugned order of 11.9.1996 is hereby quashed and set aside. The respondent-State is directed not to post the petitioner to the M.C.A.E.R without his consent. The petition thus stand disposed of, with no orders as to costs."

2 We have perused the Judgment. By order dated 11th January 1996 which is set aside by the impugned order, the first respondent was posted as Additional Advisor Resources Development in M.C.A.E.R. The age of the first respondent mentioned in the Original Application filed in the year 1996 is 46. Therefore, he must have retired by this time by superannuation. On 24th November 1997, while issuing Rule, the First Court passed a very limited interim order. Paragraph 3 of the said order reads thus:

"3 It would be open to the petitioners to permit respondent No.1 to work as an Additional Director in the Agricultural Department. If respondent No.1 is permitted to work as an Additional Director in the Agricultural Department within 15 days from today, it would be open to the parties to request the M.A.T not to initiate contempt proceedings."

3 Considering the nature of the impugned order with the passage of time, in view of the superannuation of the first Respondent, this petition does not survive. Accordingly, the same is disposed of. Rule is discharged.

(VIBHA KANKANWADI, J.)

(A.S.OKA, J.)