

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2010 OF 2013

Mohammad Nasir

.... Petitioner

Vs.

Union of India & Anr.

.... Respondents

Mr. Rahul G. Walia for the Petitioner.

Mr. Chetan Agrawal for the Respondents.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : MARCH 06, 2017

P.C:

1. By this writ petition, the petitioner is seeking a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to open the sealed cover and if recommended for promotion by the Departmental Promotion Committee to promote him as an Inspector from the date his juniors have been promoted, with all consequential benefits. Further prayer is to grant the benefit of Modified Assured Career Progression Scheme with effect from 7-2-2007 and to fix his pay

accordingly.

2. After the writ petition was argued for some time, Mr. Walia submits, by relying upon an Office Memorandum dated 19-1-2017, that the petitioner may be permitted to withdraw this writ petition with liberty to make a representation to the Competent Authority.

3. In the light of this request as made, the writ petition is allowed to be withdrawn with the liberty as prayed. However, this withdrawal and the liberty will not mean that this Court has permitted the petitioner to avail the benefits, nor is there any obligation on the respondents to grant them. The respondents may consider the representation of the petitioner, if made, in accordance with law.

4. Mr. Walia prays that in the event the representation is made, some time limit be stipulated for its disposal. In view of the fact that the petitioner has filed the writ petition in 2013 and was pending for quite some time, interest of justice would be

served if such representation is disposed of within a period of two months from the date of its receipt.

5. The writ petition accordingly stands disposed of.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)