

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

WRIT PETITION NO.2008 OF 2016
WITH
WRIT PETITION NO.2012 OF 2016
WITH
WRIT PETITION NO.2013 OF 2016
WITH
WRIT PETITION NO.1068 OF 2017
WITH
(A.S.) WRIT PETITION NO.8325 OF 2016 (Sr.No.908)

Pushpa Madhav Gole and Others ...Petitioners
vs.
Tata Memorial Hospital, Mumbai and Others ...Respondents

Mr. Ramesh Ramamurthy, for the Petitioners
Mr. Anupam Chattopadhyay, for Petitioner in WP.No.8325 of 2016.
Mr. Agnel Carneiro, Mr. Vaibhav Shah i/b. Mulla & Mulla Craigie
Blunt & Caroe, for the Respondents-Hospital.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : AUGUST 01, 2017

P.C.:

- . Parties through their counsel.
2. The learned counsel for the parties submit that the question involved in these Petitions had already been considered and decided by the Hon'ble Supreme Court in the case of **Dev Dutt vs. Union of India and Ors.**¹. It has been stated that the said

¹ (2008) 8 Supreme Court Cases 725

judgment of the Supreme Court has been approved by the Supreme Court in yet another case of **Sukhdev Singh vs. Union of India and Ors.**² The learned counsel for the parties submit that this Petition may be disposed of in terms of the order passed in the case of **Dev Dutt** (supra).

3. It is not in dispute that the Petitioners have been denied the promotion on the basis of some un-communicated APAR gradings/entries. In the circumstances, we find that the grievance in these Petitions is covered by the law laid down in the cases of **Dev Dutt** and **Sukhdev Singh** (supra).

4. As a result, in terms of the judgment passed by the Supreme Court in the case of **Dev Dutt** (supra), we dispose of this Petition by directing the Respondents to communicate the APAR gradings/entries to the Petitioners within one month from today. On receipt of the said communication the Petitioners to make representation if any, against the APAR gradings/entries within two months thereafter, and the representation as may be filed by the Petitioners shall be decided by the Respondents within two months thereafter.

5. If the grade is upgraded the Petitioners shall be

² (2013) 9 Supreme Court Cases 566

considered for the promotion retrospectively by the Respondents within three months thereafter and if the Petitioners get selected for the promotion retrospectively, they may be given the consequential benefits with arrears.

6. With the aforesaid observation, the Petitions are disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)