

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

28 WRIT PETITION NO. 10150 OF 2017

DAMODHAR GANGADHAR THENGAD AND ANOTHER
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Suresh D. Dhongade, Advocate for the
Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 01st AUGUST, 2018.

PER COURT:-

1. The petitioners assail the judgment and order of the Tribunal.

2. We have heard Mr. Dhongade, learned counsel for the petitioners and the learned A.G.P.

3. It appears that, petitioners had earlier filed an original application before the Maharashtra Administrative Tribunal for grant of time scale promotion. The Tribunal had rejected the same. The present petitioners, thereafter, filed Writ Petition bearing No.217/2015. The Writ Petition was also dismissed holding that the petitioners would be bound by the undertaking given by them, wherein they had agreed that the

Government Resolution dated 22.07.1997 is accepted by them. In view of the Clause (B) of the Government Resolution dated 22.07.1997, the petitioners were not entitled for the benefit. We have observed that the petitioners have not challenged Clause (B) of the Government Resolution dated 22.07.1997. Dehors the challenge to the said clause, the petitioners cannot claim any benefits. We had confirmed the judgment of the Tribunal. Thereafter the present petitioners again filed original application, thereafter, challenging the Clause (B) of the Government Resolution. On the ground of delay, the same was dismissed. Certainly, there is no justifiable reason given by the petitioners. The petitioners had not challenged the earlier orders passed by the Tribunal and confirmed by this Court.

4. In light of the above, no error is committed by the Tribunal. Writ Petition, as such, is dismissed. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE