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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 407 OF 2018
IN
WRIT PETITION NO. 2986 OF 2000

Shri C.K. Sangar & anr. ...Applicants

IN THE MATTER OF

Dhananjaya Mahesh Nayak & ors. ...Petitioners
Vs.
State of Maharashtra & ors. ...Respondents

WITH
CIVIL APPLICATION NO. 408 OF 2018
IN
WRIT PETITION NO. 2982 OF 2000

Shri C.K. Sangar & anr. ...Applicants
(Respondent Nos.8 and 36)

IN THE MATTER OF

Shri Rajesh Ghadge & ors. ...Petitioners
Vs.
State of Maharashtra & ors. ...Respondents

CIVIL APPLICATION NO. 420 OF 2018
IN
WRIT PETITION NO. 4958 OF 2003

Shri V.R. Vedpathak & ors ...Applicants

IN THE MATTER OF

Shri V.R. Vedpathak & ors. ...Petitioners
Vs.
State of Maharashtra & ors. ...Respondents

CIVIL APPLICATION NO. 433 OF 2018
IN
WRIT PETITION NO. 3374 OF 2011

Shri V.R. Vedpathak & ors. ...Applicants

IN THE MATTER OF

Shri V.R. Vedpathak & ors. ...Petitioners
Vs.
State of Maharashtra & ors. ...Respondents

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Mr. Anil Y. Sakhare, Senior Advocate along with Mr. U.B. Nighot i/by Mr. Sunil Kadam, Advocate for the applicants in all four applications.

Mr. N.C. Walimbe, A.G.P. for the State.

Dr. Ramdas P. Sabban along with Mr. Pravin Sabban, Advocate for the respondents.

Mr. P.N. Joshi, Advocate for respondent Nos. 5,6,9 & 14 in Appln. 408/2018 in W.P.No. 2982/2000.

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CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.

RESERVED ON : 21st FEBRUARY, 2018

PRONOUNCED ON : 6th AUGUST, 2018.

ORDER (PER M.S.KARNIK, J.) :-

The present application is filed for recalling the order dated 18th January, 2018 passed by this Court. The said petitions were disposed in the light of the stand taken by learned Counsel for the petitioners – Direct Recruits in W.P.No. 2986 of 2000 and W.P.No. 2982 of 2000 that having regard to passage of time and the events subsequent to the filing of these petitions, he would be satisfied if the seniority lists are finalized in terms of the recommendations of the Tripathi Committee as accepted by the State Government vide G.R. dated 26/5/2011. We had recorded the stand of learned AGP on instructions that draft seniority list for the year 1986 to 2000 which was prepared but not published will be finalized in accordance with the recommendations of the Tripathi Committee as accepted by the State Government. In this view of the matter the petitions were disposed of.

2. During the pendency of the petitions on 13th October, 2008 on notice of calling motion in Legislative Council

State constituted one Member Committee on question of seniority of section officers. It is the contention of these applicants that one Member Committee without hearing promotee section officers by giving notice and hearing only direct recruits of section officers submitted its report on 31/12/2008. The promotee section officers filed W.P.No. 3374 of 2011 challenging one man Committee report and seeking stay to implement recommendations in the report. On 5/5/2011, W.P.No. 3374 of 2011 was admitted and directed to be heard with W.P.No. 2982 of 2000.

3. The State of Maharashtra issued a G.R. dated 26/5/2011 accepted the recommendation of Tripathi Committee dated 31/12/2008. The applicants therefore filed Civil Application No.2669 of 2013 in W.P.No. 4958 of 2003 seeking stay to the execution of G.R. dated 26/5/2011. By an order dated 18/7/2011 this Court directed that all four petitions which are having common issue be listed for hearing on 18/8/2011. On 18/1/2018, we heard W.P.No. 2982 of 2000

and W.P.No. 2986 of 2000 filed by direct recruits. However, W.P.No. 3374 of 2011 was not before this Court.

4. From the record it is obvious that all four petitions which includes W.P.No.3374 of 2011 which are having common issues were to be heard together. The issue involved in W.P.No.3374 of 2011 filed by the promotees has assailed the recommendations of Tripathi Committee which are against the interest of the applicants/promotees. Even Tripathi Committee while making its recommendations in paragraph 7 has observed that as High Court has not stayed decision dated 4/7/2000 it will be advisable to wait for decision of High Court.

5. It is apparent that W.P.no. 3374 of 2011 filed by the promotees was necessarily to be heard along with petitions which came to be decided by us on 18/1/2018. It was therefore absolutely essential that all four petitions were required to be heard together in the teeth of the earlier order passed by this Court. This was not noticed by us when the order dated 18/1/2018 came to be passed as the petitions were disposed of

in the light of the statements made by learned Counsel for direct recruits and learned AGP for the State of Maharashtra. It is obvious that our order dated 18/1/2018 suffers for an error apparent on the face of record and hence recalled.

6. Civil Applications are allowed.

(M.S.KARNIK, J.) **(ACTING CHIEF JUSTICE)**