

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

**CIVIL APPLICATION NO. 4068 OF 2019
IN
WRIT PETITION NO. 4284 OF 2010**

The State of Maharashtra & Ors. ... Applicants

Versus

DhanshiramTulshiram Shipne Respondents

...
Shri. A. S. Deshpande, Special Counsel a/w Shri. Gujarathi, AGP for
applicant No. 1
Shri. Sujit Patil h/f Shri. V. D. Salunke, Advocate for respondent No. 1
...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 22nd MARCH, 2019.

PER COURT:-

1. Shri. Ajay S. Deshpande, learned counsel appears for applicant No. 1.
2. We have heard learned counsel for applicant No. 1 and the learned counsel for non-applicant No. 1.
3. Shri. Deshpande, learned counsel for applicant No. 1 submits that, present non-applicants No. 2 to 10 have been served by the applicant No. 1.

4. The applicants seek stay of the implementation and operation of the judgment and order dt. 07.04.2010 passed by Maharashtra Administrative Tribunal, Aurangabad in Original Application No. 938/2009 for limited purpose i.e. to allow the applicants to fill up the vacant posts of Executive Engineer on ad-hoc basis from the feeder cadre of Assistant Engineer Grade-I to cope up the infrastructural work in time bound manner.

4. As far as the original applicant before the Tribunal is concerned, he has crossed the age of superannuation.

5. Similar application was moved by the applicants herein bearing Civil Application No. 12122 of 2017. Same is disposed of by this Court under order dt. 26.09.2017 granting similar relief subject to certain terms and conditions.

6. As per the applicant, the promotions that are to be made for filling in the posts of Executive Engineer would be on ad-hoc basis and no right would be created in those persons.

7. Considering the earlier order passed by this Court in Civil Application No. 12122 of 2017 dt. 26.09.2017, we follow the same

course and allow the applicants to fill in 21 posts of Executive Engineers on ad-hoc basis on the same terms and conditions as culled out in order dt. 26.09.2017 in Civil Application No. 12122 of 2017.

8. Civil Application stands disposed of.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde