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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9490 OF 2019

Naresh Laxman Kasale

..Petitioner

vs.

The State of Maharashtra & anr.

..Respondents

.....

Mr. Yatin Malvankar for petitioner.

Mr. R.S. Pawar, AGP for respondent Nos. 1 and 2.

.....

**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 3 FEBRUARY 2020

P.C.:-

The Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal dated 1 February 2019 disposing of the O.A. No.633 of 2018. The application was filed by the Petitioner seeking promotion to the post of “Police Inspector”. The basis for claiming promotion was positive recommendation by Departmental Promotion Committee in favour of the Petitioner.

2. During the hearing of the application before the Tribunal the Respondent placed on record a decision dated 14 January

2019 overruling the recommendation of the D.P.C. on certain grounds and that the Petitioner was not entitled to be promoted. The Tribunal noted these subsequent developments and by the impugned order granted liberty to the Petitioner to challenge the said decision. Instead of availing this liberty and challenging the action of the Respondents immediately, the Writ Petition was filed. We are informed that now the Petitioner stands superannuated. It is clear from the order of the Tribunal that there is no decision on merits on the order passed by the Respondent – Government dated 14 January 2019 denying the promotion. It is open to the Petitioner to challenge the same in the Tribunal pursuant to the liberty. Considering the facts and circumstances, in case the Petitioner raises such a challenge and question of delay arises, the Tribunal will, no doubt, keep in mind the pendency of the Petition. The Writ Petition is, accordingly, disposed of.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)

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