

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

955 WRIT PETITION NO.5738 OF 2021

**VITTHAL VASANTRAO AMLEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Deshmukh Avinash S.
AGP for Respondents No.1&2: Mr. S. G. Karlekar
Advocate for Respondents No.3 to 9:
Mr. S. S. Shirsat

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**WITH
CIVIL APPLICATION STAMP NO. 11762 OF 2021**

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 08th APRIL, 2021

PER COURT:

1. We have heard Mr. Deshmukh, learned Counsel for the petitioner at length so also the learned A.G.P. and learned Counsel for the intervenors and the respondents.

2. We had perused the order passed by the tribunal. The tribunal in the impugned order has clarified that the promotion as per the DPC findings shall be implemented with specific mention that it will be subject to the outcome of the present Original Application before the tribunal. The tribunal has kept the matter for final hearing on 30.04.2021.

3. In view of the aforesaid order, we feel that the rights of the parties are taken care of. The persons who are issued with the orders of promotion in the interregnum will not get a vested right, as the same is subject to the decision in the Original Application No. 76 of 2018. In case the Original Application of the present petitioner is allowed naturally the promotion orders would not come in the way of the petitioner nor the persons promoted would get any right.

4. As the promotions are made subject to the decision of the Original Application and pursuant to the same persons are already promoted, we are not inclined to consider the matter on merits.

5. The tribunal has also observed that the matter is fixed for final hearing on 30.04.2021, we hope and trust that the parties will co-operate in final disposal of the Original Application as suggested by the tribunal.

6. With these observations, writ petition is disposed of. No costs.

7. In view of disposal of the writ petition, the civil application is also disposed of.