

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

**WRIT PETITION NO.12663 OF 2022**

**MUJEEBKHAN MEHBOOBKHAN PATHAN AND  
ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
PRINCIPAL SECRETARY AND OTHERS**

**AND  
CIVIL APPLICATION NO.16791 OF 2022**

**SANJAY KRUSHNARAO BHAVSAR AND OTHERS  
VERSUS  
MUJEEBKHAN MEHBOOBKHAN PATHAN AND OTHERS**

...  
Advocate for the Petitioners : Ms.Pradnya S. Talekar h/f Talekar  
And Associates  
AGP for Respondents 1 to 4/State : Shri S.G. Karlekar  
Advocate for Respondents 5 and 6 : Shri R.P. Patwardhan  
Advocate for the Applicants/interveners : Shri U.L. Momale  
...

**CORAM : RAVINDRA V. GHUGE  
&  
SANJAY A. DESHMUKH, JJ.**

**DATE :- 15<sup>th</sup> December, 2022**

**Per Court :-**

1. We have considered the submissions of the learned advocates for the respective sides and the learned advocate for the interveners. With their assistance, we have perused the operative part of the interim order dated 08.12.2022 passed by

the learned Division Bench of the Maharashtra Administrative Tribunal, more particularly clause C and paragraph 2 below the operative part.

2. It is apparent that the Tribunal permitted the Government to proceed to issue temporary promotion orders to the Junior Engineers in the select list to the post of the Sub Divisional Engineers/ Sub Divisional Officers in complete adherence to the provisions of paragraph (ai) of the Government Resolution dated 01.08.2019. In paragraph 2 below the operative part, the Tribunal has directed the Government to proceed with the process of temporary promotion in accordance with law and the said process was made subject to the outcome of the final decision in the Original Application.

3. In view of the above, the Government Resolution dated 13.12.2022 issued in pursuance to the above order of the learned Tribunal, can only be deemed to be a matter of temporary promotions.

4. All the learned advocates representing the litigating sides, including the interveners, agree that the learned Tribunal had permitted only temporary promotions and the Government Resolution dated 13.12.2022 cannot overbear the directions of

the Tribunal.

5. The Tribunal has also directed the Government to finalize the seniority list in view of the observations made in the interim order. We naturally expect the Government to complete the said exercise since the Tribunal would be considering the Original Application for final hearing on 10.01.2023.

6. In view of the above, this Writ Petition is disposed off.

7. The learned advocates shall render assistance to the learned Tribunal by proceeding to advance their final arguments on the Original Application. Written notes of submissions are permitted.

8. We request the learned Tribunal to decide the Original Application and deliver its final judgment, by 15.02.2023.

9. In view of the above, the pending Civil Application would not survive and stands disposed off.

*kps*

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)