

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

WRIT PETITION NO.4470 of 2023

Union of India & Ors.

.....Petitioners

V/s.

Ravindra Sheley

.....Respondent

Ms. Smita Thakur i/by Suresh Kumar, for the Petitioners.

Mr. Vicky Nagrani, for the Respondent.

**CORAM : S.V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.**

DATE : 18th APRIL, 2023.

PC. :

1. The petitioners assail the order of the Tribunal thereby allowing the Original Application filed by the present respondent and directing the present petitioners to grant consequential benefits of promotion to the post of Head TNC from 23.05.2008.

2. Learned advocate for the petitioners submits that though the order was issued on 23.05.2008, the request was made to retain the respondent and that the promotion order was not handed over to him. Subsequently, another order was issued on 2nd April, 2009 promoting him as Head TNC and the respondent is promoted w.ef. 2nd April, 2009. It is only after ten months from 23.05.2008, the respondent made a representation as an afterthought. It is only on 2nd April, 2009, actual order of promotion is issued to the respondent.

3. We have also heard learned advocate for the respondent.

4. It is not disputed that the promotion order was issued on 23.05.2008. The Tribunal has observed that the order dated 02.04.2009 is just an amendment to the earlier promotion order dated 23.05.2008. The respondent was promoted by the petitioners, but subsequently did not relieve him and asked to continue to discharge work of earlier post. The post of Head TNC was promotional post. The Tribunal has considered the said aspect in its correct perspective. In light of that, no case for interference is made out.

5. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)