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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5210 OF 2023****Union of India & Ors.****.. Petitioners****Versus****Pushpa A. Dethe W/o
Shri Ashok R. Dethe****.. Respondent**

Mr. R. R. Shetty a/w Mr. Niranjan P. Shimpi for petitioners.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.****DATE: APRIL 24, 2023****P.C.:**

1. The petitioners assail the judgment of the Central Administrative Tribunal. The respondent has filed original application before the Tribunal claiming promotion. The Tribunal allowed the same. Aggrieved thereby, present writ petition.

2. Mr. Shetty, learned counsel for the petitioners, submits that the present respondent had retired and after her superannuation, the promotion could not have been granted. The promotion is granted to the higher post to a person who is in service. The Tribunal has failed to consider the said aspect.

3. The DPC was conducted after the present respondent had superannuated and the DPC found the respondent eligible for the promotion. In that view of the matter the present respondent is granted notional promotion and consequential

benefits arising therefrom. The Tribunal has not committed any error while passing the impugned order. The respondent could not have been deprived of the benefits only because DPC was conducted subsequently.

4. In the light of that, writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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