

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8537 OF 2017

Jyatinkumar Harjivan Solanki and Ors. ... Petitioners.

V/s.

Union of India and Ors. ... Respondents.

.....

None for the Petitioners.

Mr. Vinod Joshi for Respondent No. 6.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 31 October 2023.

P.C. :

The Petitioners had sought an order in the nature of mandamus directing the Respondents not to terminate their services during the pendency of the Original Application No. 733 of 2016. This Petition came up on Board on 2 August 2017, and the following order came to be passed:

“ The petitioners are seeking regularization of their services and also challenging the advertisement issued by the Union Public Service Commission for holding a selection for the appointment of Lecturers/Assistant Professors due to which petitioners' services may be terminated. The grievance of the petitioners is that their Original Application No.733 of 2016 was filed on

26.10.2016 and the Tribunal had issued notice on 28.10.2016 and though the application was scheduled for hearing on interim relief on 15.11.2016, they were not heard since then and, therefore, the present petition.

2 Petitioners are seeking order in the nature of mandamus directing respondents to maintain status-quo in respect of their services, i.e., not to terminate them during the pendency of the Original Application No.733 of 2016 before the learned Central Administrative Tribunal, Mumbai Branch, Mumbai. (In short 'CAT')

3 Heard the learned counsel for petitioners and the learned counsel for respondents-Union of India.

4 We have perused the petition. In para 3.7., it is pleaded that the CAT, Mumbai Branch at Mumbai has not considered the prayer for interim reliefs till date even though the notices were issued on 28.10.2016 and they feel that there may be no hearing of the said Original Application as one of the Hon'ble Member has taken a decision not to hear any matter in which Advocate, Mr. V.S.Masurkar appears either for the applicants or respondents. Resultantly, they were not heard on interim relief.

5 The learned Tribunal is seized of the matter as could be seen that the notices in subject Original Application were issued on 28.10.2016 on interim relief. It appears that the petitioners were not heard for the reasons, as stated in paragraph 3.7 of the petition. In the given set of facts and circumstances, we are not inclined to grant prayer at this stage, but instead, we request the Tribunal to hear the petitioners for and in respect of interim relief claimed by them in the Original Application NO.733 of 2016, within three weeks from today. We further request if the Tribunal is unable to hear the said Original Application, may be due to reasons stated in paragraph 3.7 of the petition, we request Chairman of

*the Tribunal to make alternate arrangements and ensure that the petitioners are heard on their interim relief within three weeks from today. We make it clear that if at the end of three weeks, petitioners' prayer for the interim relief is not decided, liberty to the petitioners to approach this Court .
Stand over to 4.9.2017.”*

2 Thereafter, the Petition has remained pending. None appears for the Petitioners. The learned Counsel for Respondent No. 6 informs that the Original Application is finally disposed of by order dated 19 September 2018 and it is dismissed. Therefore, nothing survives in this Petition and is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)