

**BASAVRAJ  
GURAPPA  
PATIL**

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

**WRIT PETITION NO. 4971 OF 2023**

**S. A. Khan**

..... Petitioner

**Vs.**

**Union of India & Ors.**

..... Respondents

Mr. Vicky Nagrani for the Petitioner

Mr. R. R. Shetty for the Respondents

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

**DATED : APRIL 21, 2023**

**P.C.**

1. We have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents.

2. The Petitioner has challenged the charge-sheet issued to him on the ground of alleged misconduct for not accepting the promotional post at the same station. The interim relief has been refused. Aggrieved thereby, the present Writ Petition.

3. It is submitted that prior to filing of the instant Original Application, the Petitioner had already filed Original Application No.869 of 2022. In the said Original Application interim order has been passed by the Tribunal thereby directing that the Petitioner

should be allowed to join the post of motorman and that he may not be disturbed with the present post till further orders. The said judicial order is still in force. It is submitted that the said Original Application is part-heard.

4. In view of that till the said Original Application bearing No.869 of 2022 is decided, it would be appropriate for the Respondents to stay their hands off qua the present charge sheet.

5. It is made clear that just because of pendency of the Original Application and the order passed therein, we have not considered the present matter on merits. All contentions of the parties are kept open.

6. The Writ Petition is disposed of. No costs.

**(SANDEEP V. MARNE, J)**

**(ACTING CHIEF JUSTICE)**