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

WRIT PETITION NO. 4818 OF 2021

Dinesh Govind Gawade	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

Mr. Dinesh G. Gawade, petitioner in-person.

Mr. M. M. Pabale, AGP for respondent no. 1
(State).

Mr. N. R. Bubna for respondents 2 to 7.

Mr. Mandar Limaye for respondent no. 8.

Mr. Deepak P. Jamsandekar for respondent
no. 9.

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

DATE: JANUARY 17, 2023

P.C.:

1. We have heard the petitioner, party-in-person so also the learned advocates for the respective respondents.

2. The petitioner has approached this Court on the ground that he is not considered for the promotional post. He is denied the promotion.

3. The petitioner is not considered for promotional post only on the ground that departmental inquiry is pending against him. The departmental inquiry, it appears, is pending since 2016. Said fact is not disputed. As yet, no decision has been taken in the departmental inquiry proceedings.

4. The petitioner relies upon a Government Resolution dated 15th December 2017 to contend that if within two years the

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departmental inquiry proceedings are not concluded, then, he is required to be considered for ad-hoc promotion.

5. Admittedly, as on date, the departmental inquiry is not concluded. In light of that, the respondents shall consider the petitioner for ad-hoc promotion in accordance with the Government Resolution dated 15th December 2017. The same shall be considered within four weeks from today.

6. The ad-hoc/temporary promotion of respondent no. 8 is subject to the orders that may be issued in respect of the ad-hoc promotion of the petitioner or otherwise. Depending upon the decision, the parties may take further steps.

7. With the aforesaid directions, the writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)