

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 8004 OF 2007

The State of Maharashtra. ... Petitioner.

V/s.

Shri Vasant Annappa Kamble. ... Respondent.

Mr.S.H.Kankal, AGP for the Petitioner- State.

Mr.Narendra V. Bandiwadekar, Senior Advocate
for the Respondent.

SANJAY
KASHINATH
NANOSKAR

Digitally signed by
SANJAY KASHINATH
NANOSKAR
Date: 2023.10.07
16:35:07 +0530

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

DATE : 4 October 2023.

P.C. :

The Petitioner- State has challenged the order dated 14 February 2007 passed by the Maharashtra Administrative Tribunal allowing Original Application No.144/2001 filed by the Respondent.

2. The Respondent was initially appointed as Peon on 17 November 1980, thereafter as Clerk on 1 December 1983 and after completion of 12 years he was granted time-bound promotion on 30 July 1996. He was given higher pay-scale, however, by the order dated 4 November 1999, which was impugned before the Tribunal, the time-bound promotion given to the Respondent/ original

Applicant was withdrawn. The Tribunal initially had disposed of the Original Application on 27 April 2001. The Respondent approached this Court and by order dated 16 January 2006, the Original Application was remitted back to the Tribunal. Thereafter, the Original Application is allowed by the order dated 14 February 2007 which is impugned in this petition.

3. Apart from merits of the challenge, it has to be noted that when the Rule was issued in this petition on 4 December 2007, Rule on interim relief was made returnable and ad-interim relief in terms of prayer clause (b) was granted staying the impugned order. However, in spite of this position, the State Government proceeded to issue an order on 27 September 2012 which is placed on record by the learned Senior Advocate for the Respondent. This order refers to the filing of this writ petition and thereafter has restored the benefits in compliance with the impugned order, however, denied the arrears. As far as denial of arrears, the Respondent has accepted this part. The learned Senior Advocate for the Respondent has pointed out that thereafter Respondent retired in June 2018.

4. From the perusal of the order dated 27 September 2012, it is clear that the State Government has taken a fresh decision of restoring the benefits to the Respondent granted by the Tribunal and not granting arrears.

5. In view of this subsequent development, nothing survives in this petition. Writ petition is accordingly disposed of. Rule stands discharged.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)