

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10693 OF 2023

S A Khan And Ors ... Petitioners.

V/S.

Union Of India Thr The
General Manager And Anr ... Respondents.

.....
Mr.Vicky Nagrani for the Petitioners.
Mr.R.R.Shetty for the Respondents.
.....

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

DATE : 30 August 2023.

P.C. :

This Writ Petition challenges the order passed by the Central Administrative Tribunal in Original Application No.869/22.

2 The Original Application No.869/22 sought for quashing and setting aside the order dated 10 August 2022, by the applicants and certain further consequential directions.

3 The communication dated 10 August 2022 is a notice of list of eligible Motorman for Promotional Training. The Tribunal in

the impugned order has expressed that this prayer and the apprehension of the Petitioners that they will be forcibly promoted to the post depriving them of their right to refuse is misplaced as the Petitioners, will still have right to refuse and the Petitioner had approached the Tribunal at a premature stage.

4 The learned counsel for the Respondents submits that if the Petitioners refuses the promotion, as per the governing rules, certain consequences ensue. The learned counsel for the Petitioners contended that these consequences have already ensued and we are informed that the subsequent events are now part of challenge of Original Application No. 869/22 filed by the Petitioner.

5 Considering the fact that the Tribunal has not adjudicated the *inter se* rights of the parties and has only disposed of the same on the ground that it is premature, it is not necessary for us to enter into the merits of the matter, which now would be adjudicated in the subsequent Original Applications filed by the Applicant, which are pending before the Central Administrative Tribunal.

6 The learned counsel for the Petitioners submitted that the Petitioners had earlier filed a Writ Petition No.4971/2023, wherein certain interim orders were granted. Now, that the Original Application No. 869/2022 is disposed of and the subsequent action including the issuance of Chargesheet is now subject matter of new

Original Application, it will be open to the Petitioners to apply for such interim relief in the pending application as may be advised, which application for interim relief will be considered by the Tribunal on its own merits.

7 Reiterating the position that by this order, we have not concluded rights of the parties, which would be concluded in the subsequent Original Application that is filed. Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)