

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

WRIT PETITION NO. 11527 OF 2023

Yogesh Motiram Savale ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

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Mr.M.M.Vashi, Senior Advocate with Ms.Manisha Desai i/b.
M/s. M.P.Vashi & Associates for the Petitioner.

Mr. M.M.Pabale, AGP for Respondent Nos. 1 to 4-State.

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**CORAM : NITIN JAMDAR &
SMT. MANJUSHA DESHPANDE, JJ.**

DATE : 21 SEPTEMBER 2023

P.C.:

Heard the learned Senior Advocate for the Petitioner and the
learned AGP.

2. The Petitioner is aggrieved by the order dated 20 June 2023
passed by the Maharashtra Administrative Tribunal (the Tribunal),
Mumbai dismissing M.A. No. 393 of 2023 and M.A. No. 394 of
2023 and also Original Application No. 659 of 2023.

3. We have perused the impugned order.

4. In paragraph 6 of the impugned order, the Tribunal has
recorded the request of the Petitioner for amendment. The Tribunal

has also recorded that unless amendment is carried out, the matter cannot be taken up for interim relief. Thereafter, the Tribunal has noted that the Applicant has not made it clear how many Respondents' names are to be deleted. The Tribunal records *prima facie* opinion that the Applicant has not made out a case for interim relief and thereafter, rejects the interim relief and consequently Original Application No. 659 of 2023.

5. The learned Senior Advocate for the Petitioner submits that by the impugned order all contentions of the Petitioner are now precluded. We find that the apprehension of the Petitioner is misplaced. The Tribunal, by bare reading of the impugned order, has not concluded the issue but, in fact, acknowledging the need for amendment has commented upon the interim relief aspect. There is, therefore, no final pronouncement on merits of the Original Application. In view of this position, the learned Senior Advocate for the Petitioner states that the Petitioner would withdraw this Writ Petition and file a fresh Original Application.

6. In view of the statement, the Writ Petition is disposed of as withdrawn. If the Petitioner files an Original Application, the Tribunal will consider the same on its own merits. Considering the subject matter, we have no doubt that if the Petitioner makes a request for early hearing, the Tribunal will sympathetically consider the same.

7. We make it clear that we have kept all contentions of the parties open.

(SMT. MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)