

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 709 OF 2019

Prakash Ramchandra
Acharekar

... Petitioner.

V/S.

The State Of Maharashtra
Thru The Chief Secretary, Gen.
Administration Dept. And Ors

... Respondents.

.....

Mr.Vijay D.Patil for the Petitioner.
Mr. N.K.Rajpurohit AGP for the State/Respondents.

.....

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

DATE : 20 September 2023.

P.C. :

Heard learned counsel for the parties.

2 The Petitioner is aggrieved by dismissal of his Original Application No.609/2016 by the order passed by the Maharashtra Administrative Tribunal (MAT) dated 25 September 2018.

3 The Petitioner filed the original application before the Tribunal praying for necessary directions to take up the Petitioner's

case of consideration for regular promotion to the post of the Superintendent of Police/ Deputy Commissioner of Police (Technical) alongwith deemed date of promotion. According to the Petitioner, he was fully qualified and due for regular promotion, however, the Petitioner was being granted temporary promotions from time to time and according to the Petitioner there was no reason to deny the regular promotion. The Petitioner claimed regular promotion from 2nd April 2013.

4 Reply was filed before the Tribunal by the Deputy Secretary, Home Department. Reply affidavit on behalf of Under Secretary was also filed before the Tribunal wherein various contentions were raised. The Petitioner filed a rejoinder. The Petitioner relied upon certain decisions in support of his case.

5 With these elaborate pleadings when the matter came up for consideration before the Tribunal, the Tribunal was expected to advert to the same, however we find order of the Tribunal to be bereft of any reasoning. The Tribunal has reproduced prayer of the Petitioner, then certain facts in three sentences and with one line reasoning that the Applicant has failed to base his claim on legal rights and the foundation of his claim is expected to be based on the legal rights, rejected the original application.

6 We are unable to discern the reasons for this conclusion from the order of the Tribunal. The Tribunal being the Court of first

instance in the matter of Services under the statute was expected to indicate atleast the reasons, which the impunged order has failed to state. The modification of application, reply affidavits and rejoinder were detailed one. The Petitioners claim was for promotion and deemed date of promotion. There is no reference to any of the contentions raised by the parties. In these state of affairs we are left with no option but to set aside the impugned order and restore the original application to be considered on its own merits.

7 Accordingly, the impugned order dated 25 September 2018 is quashed and set aside. The Original Application No. 609/10 is restored to file. Considering that the remand is necessitated not for the fault of the Petitioner, upon remand the Tribunal will make an endeavor to dispose of the original application as early as possible subject to earlier time bound commitments.

8 Writ Petition is disposed of accordingly.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)