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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 91 OF 2023

Avinash Gulabrao Tainak and Ors. ... Petitioners

vs.

The State of Maharashtra through ... Respondents
Principal Secretary Revenue and Forest
Dept and Ors.

Mr. Subhas Oak i/b. Mr. Vijay V. Nene for the Petitioners.

Mr. B. V. Samant, AGP for Respondent no. 1 – State.

Mr. M. D. Lonkar a/w. Mr. O. M. Lonkar and Mr. A. M. Lonkar
for Respondent nos. 3 to 36.

CORAM : S.V. GANGAPURWALA, ACJ. &
SANDEEP V. MARNE, J.

DATED : 16 JANUARY, 2023

P.C. :-

1. Heard the learned counsel for the petitioners, the learned counsel for the respondents and the learned AGP. The petitioners are aggrieved by the interlocutory order dated 15 December 2022 in Original Application No. 383 of 2022.

2. Under the said order the tribunal has vacated the order of stay granted on 27 April 2022.

3. Upon hearing learned counsel for the parties, we had asked learned AGP to state on affidavit the stand of the Government.

4. The Deputy Secretary, Revenue and Forest Department, State of Maharashtra, Mantralaya has filed affidavit dated 13 January 2023. Paragraph 6 of the affidavit reads thus :

“6. The process of framing guidelines and actual revision of seniority list 01.01.2019 will take four months time. The revision of seniority list will be followed before calling Departmental Promotion Committee meeting which will lead to decision regarding promotion.”

5. The State has categorically stated that framing guidelines and actual revision of Seniority list of 01.01.2019 is in process. It is further stated that it will take four months time and that the revision of Seniority list will be followed before calling Departmental Promotion Committee meeting which will lead to decision regarding promotion.

6. The matter is already kept for final argument before the tribunal on 9 February 2023. Naturally, the tribunal will decide the matter on its own merits. As no eminent apprehension exist today in view of the affidavit filed by the

State authority, we are not inclined to enter into the merits of the matter. The merits will be decided by the tribunal while deciding the Original Application No. 383 of 2022 finally.

7. With the aforesaid observations, Writ Petition is disposed.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)