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

WRIT PETITION NO. 1516 OF 2022

Ravindra Premraj Patil ... Petitioner
V/s.
Nashik Municipal Corporation and Ors ... Respondents

***with
INTERIM APPLICATION NO. 1969 OF 2024
in
WRIT PETITION NO. 1516 OF 2022***

Sanjay Suresh Adesara ... Applicant/Intervener

In the matter between

Ravindra Premraj Patil ... Petitioner
V/s.
Nashik Municipal Corporation and Ors ... Respondents

Mr. N.V. Bandiwadekar, Senior Advocate with Mr. Sachin Kadam
for the Petitioner

Mr. M.L. Patil for the Respondent Nos. 1 to 3

Mr. Kiran Bapat, Senior Advocate with Mr. Gaurav Bandiwadekar
for Respondent No.4

Mr. S.B. Kalel, AGP for the Respondent – State.

***CORAM : NITIN JAMDAR &
KAMAL KHATA, JJ.***

DATE : 26 FEBRUARY 2024

P.C. :-

The learned Counsel for the Respondent No.4 seeks time.

2. As regard the Intervention Application is concerned, the Intervener has already filed a Writ Petition No. 10296 of 2010 in which Rule has been issued. According to the Intervener, in this Petition he has also sought the similar prayer that his promotion to the post of an Executive Engineer and therefore, the cause raised in Writ Petition No. 10296 of 2010 and the present petition is similar. If that is the position, it is open to the Intervener to file an application in Writ Petition No. 10296 of 2010 and seek a prayer for hearing the Interim Application and the present Petition together.

3. The learned Counsel for the Intervener states that appropriate application would be taken out in Writ Petition No. 10296 of 2010 and circulate the same with a praecipe.

4. Stand over to **8 April 2024** for the Respondent No.4 to file reply affidavit.

5. In the light of this liberty given to the Intervener, the present Interim Application is disposed of.

6. As regard the ad-interim order, the continuation has been opposed by the learned Counsel for the Respondent –

Corporation. The learned Counsel for the Petitioner submits that there was earlier granted wider ad-interim order which is restricted by the order dated 26 September 2023 and therefore, no further modification is required. However, we note that even the modification states that the promotion to all posts of the Deputy Engineer/Executive Engineer, that is the cadre, should not be undertaken and the liberty was granted to give promotions to other posts except the post of Deputy Engineer and Executive Engineer. This order is in operation for almost five months. The posts of the Deputy Engineer/Executive Engineer are important posts as they have to handle various public duties. Continuation of such embargo over a long period is bound to affect the public work.

7. Therefore, we modify the ad-interim order dated 26 September 2023, and direct that one post of Executive Engineer is kept vacant and if any promotions are granted to the post of Deputy Engineer/Executive Engineer, they would be subject to the further orders in case of the issue of seniority arises.

KAMAL KHATA, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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by JYOTI
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Date: 2024.03.04
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