



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8084 OF 2010

The State of Maharashtra And Anr.

..Petitioners

Vs.

Ranjit Sundarnarayan Chitore

..Respondent

Mr. N. C. Walimbe, Addl. G. P a/w Ms. Kavita N. Solunke, AGP for the
Petitioners.

Mr. N. V. Bandiwadekar, Senior Advocate a/w Mr. Vinayak Kumbhar, Mr.
Rajendra B. Khaire for the Respondent.

CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.

DATE : 3rd JANUARY 2024

ORDER:

1. Heard learned counsel for the Petitioners and learned counsel
for the Respondent.

2. The challenge raised in this Writ Petition is to the order passed
by the Maharashtra Administrative Tribunal on 3rd November 2009. By
the said order, the Original Application preferred by the Respondent in
the matter of filling up the post of Joint Director, Industrial Safety &
Health (for short 'ISH') has been allowed and the Petitioners' herein
have been directed to consider the case of the Respondent for promotion
to the post of Joint Director-ISH from NT(B) category. Since this order
was not complied, the Respondent had filed Contempt Petition in which
directions were issued by the Tribunal to take necessary steps and

comply with the same. Accordingly on 23rd September 2010, the order passed by the Tribunal was complied with a condition that the promotion was subject to challenge being raised. The charge was given to the Respondent for a period of 11 months.

3. After hearing the learned counsel for the parties, we find that while admitting the Writ Petition this Court by the order dated 27th October 2010 refused to grant any interim relief. As a result, the State Government modified the order dated 23rd September 2010 and deleted condition nos.1 and 2 in its order dated 23rd September 2010. It is stated that the Respondent has superannuated on 31st January 2015. In the light of these facts, we find that it would not be expedient to now revisit the order passed by the Tribunal and consider the challenge as raised by the Petitioners. Instead the interest of justice can be made by keeping the questions sought to be raised in the Writ Petition open for being raised in an appropriate case.

4. In view of the aforesaid, the Writ Petition is disposed of in light of the fact that the Respondent has superannuated on 31st January 2015. However, the points raised in the Writ Petition are kept open. Rule is disposed of in the aforesaid terms. There would be no order as to costs.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)