

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

**WRIT PETITION NO.719 OF 2024**

Dinesh Nusaji Parate and ors. : Petitioners.

**Vs.**

Union of India and ors. : Respondents.

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Mr. Pravin Palhade a/w Mr. Anil K. Lulla for the Petitioners.

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**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &  
ARIF S. DOCTOR, J.**

**DATE : 07<sup>th</sup> MARCH, 2024**

**P.C. :**

1. Heard learned counsel for the Petitioners.
2. The Affidavit of Service filed by the learned counsel for the Petitioners is taken on record.
3. In view of the proposed order requirement of issuance of notice to Respondents is hereby dispensed with.
4. By instituting these proceedings under Article 226 of the Constitution of India, the Petitioners assail the Interim Orders dated 26<sup>th</sup> October 2023 and 7<sup>th</sup> November 2023 passed

by the Central Administrative Tribunal, Mumbai ("the CAT") in Original Application No.856 of 2023 and Original Application No.877 of 2023 respectively.

5. By the Impugned Orders passed by the CAT, which are admittedly interim in nature, the Tribunal has granted interim relief in terms of para 9(a) of the Original Application which is extracted herein under:-

*"(9)(a) Pending hearing and final disposal of this Original Application this Hon'ble Tribunal may be pleased to order and direct the Respondents not to grant Financial Upgradation to the candidates on the basis of Reservation and that STAY the impugned Order dated 27.09.2023 to that extent only."*

6. The Petitioners, who have been arrayed in the Original Applications referred to above as Respondents before the CAT, have not filed their reply; neither they have sought vacation of said interim orders dated 26<sup>th</sup> October 2023 and 7<sup>th</sup> November 2023.

7. Learned counsel representing the Petitioners confines

his prayer permitting the Petitioners to file their Replies in the respective Original Applications before the CAT along with Application seeking vacation of the interim orders dated 26<sup>th</sup> October 2023 and 7<sup>th</sup> November 2023, and accordingly to issue a direction to the CAT to consider the said Application seeking vacation of the interim orders dated 26<sup>th</sup> October 2023 and 7<sup>th</sup> November 2023, with expedition.

8. Accordingly, we provide that in case the Petitioners file their Replies before the CAT in Original Application No.856 of 2023 and Original Application No.877 of 2023, within 10 (ten) days from today, and also move Application seeking vacation of the said interim orders, the same shall be considered and decided by the CAT, of-course only after notice to the Applicants before the CAT, with expedition, say within a period of two months from the date the Application seeking vacation of the said interim orders is moved by the Petitioners.

9. With the aforesaid observations and directions the present Writ Petition is finally disposed of.

**(ARIF S. DOCTOR, J.)**

**(CHIEF JUSTICE)**