



Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15212 OF 2024
IN
WRIT PETITION NO. 10263 OF 2023

K Suryakrishna Murty ...Petitioner

In the matter between
K Suryakrishna Murty

Versus

State of Maharashtra & Ors ...Respondents

WITH
INTERIM APPLICATION NO. 15213 2024
IN
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Versus

State of Maharashtra & Ors ...Respondents

Mr Akhilesh Dubey, with Mr Vagish Mishra, Mr Uttam Dubey,
Mr Uttam Dubey & Sahil Upadhyay, i/b, Troy Legal, for
the Petitioner/Applicant.

Ms SD Vyas, Addl GP, with Mr MS Bane, AGP, for the
Respondent-State.

CORAM M.S. Sonak &
 Jitendra Jain, JJ.
DATED: 12 December 2024

PC:-

1. Heard Mr Dubey for the Petitioner and Ms Vyas for the Respondents Nos. 1 to 3.
2. The Petitioner challenges the interim order dated 27 July 2021 by which the Maharashtra Administrative Tribunal (“MAT”) declined to stay the impugned seniority list dated 31 December 2020 pending the final disposal of OA No. 236 of 2021.
3. Mr Dubey has made several submissions regarding why the impugned seniority list contained serious infirmities. He also pointed out that the Petitioner is due for induction into the IAS cadre, and if the seniority issue is not sorted out, the Petitioner will suffer grave and irreparable prejudice.
4. Ms Vyas learned Additional Government Pleader defends the impugned order based on the reasoning reflected there.
5. From the perusal of the impugned order, we find that the tribunal has given detailed reasons why, according to the Tribunal, the Petitioner failed to make out a prima facie case. The impugned order runs into almost 50 pages. We are disinclined to interfere because this is only an order rejecting interim relief. The order neither suffers from perversity nor has the Tribunal erred on principle in exercising discretion. The order is in force since 2021.

6. At this stage, it is unnecessary to revisit the interim relief issue. Suffice it to note that in this case, the grant of interim relief would almost amount to the grant of a final hearing. If the impugned seniority list is upheld, then the time lost in the interregnum would be impossible to recoup.

7. Besides, in such matters, finalised seniority lists are ordinarily not stayed. The routine order directs that any action based upon the impugned finalised seniority list would be subject to final orders in the original application. An additional order is also made that the beneficiaries of the finalised seniority list must not claim any equities. If ultimately the Petitioner succeeds, suitable orders can always be made to restore the Petitioner to the position to which he was entitled.

8. The learned Counsel for the Petitioner states that some directions may be issued to the tribunal to expeditiously dispose of the original application. At the same time, he points out that the Tribunal has been posting the original application for the final hearing (first on board) but for some reason or the other, final arguments are not proceeding.

9. This means that the Tribunal is making efforts to decide the original application finally. We cannot be unmindful of the pressure on the Tribunal's docket. Every litigant waits in a queue, and the priority issue is for the Tribunal to decide depending upon the urgency. Therefore, issuing the direction the petitioner seeks would not be appropriate.

10. In any event, it is open to the Petitioner to point out to the Tribunal the alleged immense prejudice since the learned

Counsel for the Petitioner states that the Petitioner's induction into the IAS cadre is at stake. If such an application is made, we are sure the MAT will consider the same following law.

11. Considering the scope of judicial review in matters of orders against the MAT's order and further, considering that the challenge in this case is only to an interim order, which was made on 27 July 2021, we are not inclined to exercise our extraordinary jurisdiction under Article 226 or 227 and interfere with the impugned order.

12. However, we clarify that any further action based upon the impugned seniority list shall be subject to further orders in the original application instituted by the Petitioner, and the beneficiaries of such action shall not be entitled to claim any equities in the matter. The Respondents must make this position clear to the beneficiaries should there be any proposals to take action based on the impugned seniority list.

13. Further, we add, though it is not quite necessary, that the Tribunal will not allow itself to be influenced by any of the observations in the impugned order dated 27 July 2021 while finally deciding on the original application. The original application, we are sure, will be disposed of on its own merits and following the law.

14. With the above observations, this Petition is disposed of. There shall be no order for cost.

15. The interim application seeking amendment of this Petition does not survive because, by that amendment, the Petitioner only wished to challenge an order amending the

impugned order. The Interim Application No. 15213 of 2024 is disposed of.

16. The Interim Application No. 15212 of 2024 also does not survive and is disposed of.

(Jitendra Jain, J)

(M.S. Sonak, J)