

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15799 OF 2022

Ankush Gajanath Sargar and others versus The State of Maharashtra through the Secretary, Road Transport and Home Department and others	]]]]	Petitioners Respondents
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Mr. S.G. Deshmukh i/b Mr. Ramdas Shelke, for Petitioners.

Ms. T.J. Kapre, A.G.P, for Respondent No.1 – State.

Mr. Nitesh V. Bhutekar, for Respondents No.2 and 3 (through V.C.).

Mr. D.D. Ranananware, for Respondents No.4,6,15,23 and 26.

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**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ**

DATE : 18th SEPTEMBER, 2025.

P.C:

1. Heard Mr. Deshmukh, learned Counsel for the petitioners, Ms. Kapre, learned A.G.P, for respondent No.1 – State, Mr. Bhutekar, learned Counsel for respondents No.2 and 3 and Mr. Ranananware, learned Counsel for Respondents No.4, 6, 15, 23 and 26.

2. Mr. Deshmukh, learned Counsel for the petitioners submits that this petition is filed for a direction to Respondent No.2 – The Deputy

Chairman/Managing Director, Maharashtra State Road Transport Corporation (for short “MSRTC”) and Respondent No.3 – The General Manager (Personnel & Industrial Relations), Maharashtra State Road Transport Corporation to revise the seniority list of the Assistant Traffic Superintendent published by respondents No.2 and 3 on 27th November, 2022 for the promotion on the post of Depot Manager and to show the names of the petitioners above the incumbent Sr. No.14 in the said list. It is further prayed that respondents No.2 and 3 be directed to prepare revised seniority list of the Assistant Traffic Superintendent as per the Circular/Letter No.4853 dated 8th September, 2017 issued by Respondents No.2 and 3.

3. During the course of arguments, it is submitted that with the passage of time, Assistant Traffic Superintendents upto Sr. No.125 are promoted. As per the seniority list which is enclosed to this petition, petitioner No.1 stands at Sr. No.127 and other petitioners are below him. It is submitted that so far as the petitioners are concerned, they are not considered for promotion because of pending petition although there are thirty one vacancies.

4. We make it clear that pendency of the petition or disposal of this petition should not come in the way of MSTRC in effecting promotions which obviously shall be subject to the direction as passed by the Court. It is open for the MSTRC to promote eligible employees including the petitioners, as per their turn, in accordance with seniority list which is in existence.

5. The grievance of Mr. Deshmukh is that seniority list should be prepared on the basis of GSO No.65 and 66 at page No.146 of the paper book. Mr. Bhutekar, learned Counsel for respondents No.2 and 3 submits that seniority list which is in existence is in accordance with the G.S.O. He submits that the MSTRC has no difficulty in re-visiting the seniority list examining whether the same is in accordance with GSO 65 and 66. If the same is not in accordance with GSO 65 and 66, MSTRC will revisit the seniority list in accordance with GSO 65 and 66. It is submitted that further seniority list will be prepared on the basis of GSO 65 and 66. The MSTRC will follow the procedure of policy calling for objections. Seniority list has to be published in accordance with existing Rules and Regulations. Entire exercise be completed within six months from today.

6. Petition stands disposed of in the aforesaid terms. No costs.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]