

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6794 OF 2025

Vinayak Dattatray Ugale ... Petitioner

Versus

The Transport Commissioner, Maharashtra State, ... Respondent
Mumbai

WITH
INTERIM APPLICATION (STAMP) NO. 22956 OF 2025
IN
WRIT PETITION NO. 6794 OF 2025

Gajanan Najukrao Harne & Ors. ... Applicants

In the matter between

Vinayak Dattatray Ugale ... Petitioner

Versus

The Transport Commissioner, Maharashtra State, ... Respondent
Mumbai

.....

Mr. Abhijeet Desai a/w. Mr. Shrikant Patil, Mr. Arjun Pawar and Mr. Rohan Bhondve for the Petitioner.

Ms. Kavita N. Solunke, AGP for the Respondent-State.

Mr. Swaroop Karade for the Applicants in IA.

CORAM : **M. S. KARNIK AND**
N. R. BORKAR, JJ.
DATED : **07th JULY, 2025.**

P.C. :

1. Heard learned counsel for the petitioner and learned AGP.
2. The challenge in this petition is to the order dated 09.05.2025 passed by the Maharashtra Administrative Tribunal (for short 'MAT') in MA

No. 209 of 2025. The Misc. Application was filed before the MAT in the pending Original Application for interim relief directing the respondent to keep 18 posts vacant of the promotional post of Inspector of Motor Vehicles in view of ensuing orders of promotion which were likely to be issued ignoring the claim of the petitioner and accordingly it was prayed that the respondent be directed to not fill up the posts to the extent of 18 posts. Learned counsel for the petitioner submits that the MAT while refusing to grant the interim relief prayed for by the petitioner has completely overlooked the fact that the decision in **Abhijit J. Telvekar & Ors. Vs. State of Maharashtra & Ors.** in OA No. 862 of 2016 dated 11.06.2024, was rendered in completely different facts in which an interpretation of the provisions of the service rules was made which has no bearing on the controversy involved in the present petition.

3. Learned counsel for the petitioner submitted that the process adopted by the respondent was completely contrary to the appointment order dated 22.04.2021 which clearly provides that first seniority list of the incumbents would be on the basis of the merit list of the candidates. Thereafter, the seniority list was to be prepared on the basis of the service rules. It is therefore submitted that as the petitioners rank senior, they should be promoted. However, on the wrong principle the petitioners are being deprived of their seniority and consequently, some other candidates who rank junior to the petitioners are likely to be promoted.

4. We have gone through the impugned order passed by the Tribunal. The controversy in the present case is about Rule 4 (2) (a) of the Recruitment Rules, 1982 and other provisions which learned counsel for the petitioner seeks to place reliance. The petitioner's contention is that though they are from different batches, it is of the same recruitment process and these different batches have to be regarded as one batch for the purpose of seniority. We find that this issue is pending consideration before the Tribunal and we do not want to express any opinion on the merits of the contentions. Learned counsel for the petitioner relied upon the decision of the Hon'ble Supreme Court in **R. Ranjith Singh & Ors. Vs. The State of Tamil Nadu & Ors.** (2025 SCC Online SC 1009) in support of his submission. We find that the decision of the Supreme Court was against a final judgment dated 08.01.2020 passed by the High Court of Judicature at Madras. The present petition is against the interim order. The promotions are yet to be effected. We have already made it clear that all promotions made would be subject to the outcome of the petition.

5. We are told that the pleadings before the Tribunal are complete and the matter is listed for final hearing. We are not inclined at this stage to keep 18 posts vacant. However, we make it clear that should the petitioner succeed, the incumbents appointed on the said 18 posts will not claim any equity and the promotions, if any, obviously shall be subject to the outcome of the Original Application.

6. In the facts and circumstances of the present case, we find it appropriate to request the Tribunal to expeditiously hear the Original Application in any case within a period of six months from today.

7. With this observation, the petition is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)