

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (L) NO. 16207 OF 2023

Vilas Rangnath Kale & Ors.

... Petitioners

V/s.

Mumbai Port Authority and Anr.

... Respondents

Mr. Ashish Verma i/b. Dhanraj Lodha for the Petitioners

Mr. Amit Bhawe i/b. Milan Bhise & Co. for the Respondents

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 05 FEBRUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The learned Counsel for the Petitioners who are the junior engineers working with the Respondent – Mumbai Port Authority are desirous of seeking promotion to the post of Assistant Executive Engineers. According to the Petitioners, the promotion/reservation roster would be as per the office memorandum dated 2 July 1997.

3. It appears that on 15 February 2023 a communication was issued by the Respondent – Authority based on the letter of the Ministry dated 8 February 2023 as a One Time measure. Since it is specifically stated that it is One Time measure and not to be acted on

in perpetuity, the original office memorandum/procedure would have to be followed.

4. The learned Counsel for the Respondent – Authority submits that as a consequence of One Time measure, the roster might have undergone a change and therefore, there are practical difficulties for implementing the office memorandum which governs the roster for promotion. He state that the guidance and clarification is sought from the Ministry of Personnel, Public Grievance and Pensions (Department of Personnel and Training) and the same is awaited.

5. Leave is granted to the Petitioners to join the Union of India and the Department of Personnel and Training as party Respondent so that the status of the clarification sought by the Authority can be ascertained. Amendment to be carried out within a period of one week.

6. Issue notice to the added Respondents, returnable on **13 March 2024**.

7. In addition, the Petitioners are permitted to serve private notice through Registered Post A.D. / Speed Post / E-mail and file affidavit of service before the returnable date.

M.M. SATHAYE, J.

NITIN JAMDAR, J.