

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABA**

COMMON ORDER IN O.A. NOS. 390, 391 AND 392/2019

01. ORIGINAL APPLICATION NO. 390 OF 2019

DISTRICT: - BEED.

Lodhi Md. Tariq Irfan S/o Mukhtar Khan,

Age : Major, Occu. Junior Engineer,
R/o: Asif Nagar, Near Old Police Ground,
Beed, District Beed.

.. APPLICANT.

V E R S U S

1. The Union of India,
Through its Secretary,
Human Resources Department,
Govt. of India
Nirman Bhavan, New Delhi, 110001

2. The Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32.

3. The State Project Director,
Maharashtra Prathamik Shikshan
Parishad, Charni Road, Mumbai.

4. The Divisional Commissioner,
Aurangabad Division,
Aurangabad.

5. The Chief Executive Officer,
Zilla Parishad, Bir, Beed.

6. The Education Officer (Primary),
Zilla Parishad, Bir, Beed.

.. RESPONDENTS.

W I T H

02. ORIGINAL APPLICATION NO. 391 OF 2019

DISTRICT: - AURANGABAD.

Mohd. Abdul Mateen,

Age : Major, Occu. Junior Engineer,
R/o: Sarva Shiksha Abhiyan,
Block Resources Centre, Kannad,
District : Aurangabad.

.. APPLICANT.

V E R S U S

1. **The Union of India,**
Through its Secretary,
Human Resources Department,
Govt. of India
Nirman Bhavan, New Delhi, 110001
2. **The Secretary,**
Rural Development Department,
Mantralaya, Mumbai – 32.
3. **The State Project Director,**
Maharashtra Prathamik Shikshan
Parishad, Charni Road, Mumbai.
4. **The Divisional Commissioner,**
Aurangabad Division,
Aurangabad.
5. **The Chief Executive Officer,**
Zilla Parishad, Nageshwarwadi,
Aurangabad.
6. **The Education Officer (Primary),**
Zilla Parishad, Nageshwarwadi,
Aurangabad.

.. RESPONDENTS.

W I T H**03. ORIGINAL APPLICATION NO. 392 OF 2019**

DISTRICT: - AURANGABAD.

Anand S/o. Anilrao Mairal,

Age : Major, Occu. Junior Engineer,
R/o: Sarva Shiksha Abhiyan,
Block Resources Centre, Kannad,
District : Aurangabad.

.. APPLICANT.

V E R S U S

1. **The Union of India,**
Through its Secretary,
Human Resources Department,
Govt. of India
Nirman Bhavan, New Delhi, 110001
2. **The Secretary,**
Rural Development Department,
Mantralaya, Mumbai – 32.
3. **The State Project Director,**
Maharashtra Prathamik Shikshan
Parishad, Charni Road, Mumbai.
4. **The Divisional Commissioner,**
Aurangabad Division,
Aurangabad.
5. **The Chief Executive Officer,**
Zilla Parishad, Nageshwarwadi,
Aurangabad.
6. **The Education Officer (Primary),**
Zilla Parishad, Nageshwarwadi,
Aurangabad.

.. RESPONDENTS.

APPEARANCE : Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in these cases.

: S/shri M.S. Mahajan, S.K. Shirse & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer & learned Presenting Officers for the respective respondents in respective cases.

CORAM : **JUSTICE A.H. JOSHI, CHAIRMAN**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

RESEERVED ON : **2.5.2019**

PRONOUNCED ON : **3.5.2019**

COMMAN - ORDER

1. Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in all these cases and S/shri M.S. Mahajan, S.K. Shirse & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer & learned Presenting Officers for the respective respondents in respective cases.
2. At the outset the learned Chief Presenting Officer has raised objection as regards maintainability of the present Original Applications on the ground that :-
 - (i) The employer of the present applicants is an autonomous body registered under the Societies Registration Act, 1860 ;
 - (ii) The applicants are not employees of the Government of Maharashtra and are not civil servants. Hence, applicants do not have remedy to agitate their grievance before this Tribunal ;

and

 - (iii) In absence of Notification of the State Government under section 15 (3) of the Administrative Tribunals Act, 1985, this Tribunal does not have power and jurisdiction to entertain present Original Applications.
3. Heard both the sides and perused the documents.

4. Certain facts, which are admitted by both the sides are as under :-

(i) The applicants have not been appointed by the State Government ;

(ii) Admittedly the scheme for which the applicants were appointed by the respondent no. 3 – the State Project Director, Maharashtra Shikshan Parishad, Mumbai – is run under joint financial assistance of the State Government and the Central Government ;

(iii) For all the purposes the Society who has employed the applicants could be termed as ‘State Government or other authority or corporation’, however, is not *per se* or *ipso facto* the State Government itself ;

and

(iv) Admittedly the applicants were not appointed to serve under Government of Maharashtra as Government servants.

5. In the foregoing backgrounds, this Tribunal is of the view that, issuance of notification under sub section 2 & 3 of section 15 of the Administrative Tribunals Act, 1985 is imperative for enabling this Tribunal to entertain the lis of present nature.

6. The doors of jurisdiction before this Tribunal can be opened to the applicants only upon issuance of notification by the State Government.

7. Hence, though the present applicants may claim some cause, it is not actionable by this Tribunal in absence of conscious decision of the State Government and notification.

8. In the circumstances as are obtaining, present Original Applications are rejected for want of jurisdiction.

9. There shall be no order as to costs.

(A.H. JOSHI)
CHAIRMAN

Place : Aurangabad
Date : 3.5.2019