

**O.A. 158 of 2018 (S.B.)**

**(Mr. Manohar Laxmanrao Niratkar & 42 Ors. Vs. State of Maharashtra & Ors.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J)**

**Dated : 11/04/2018**

**ORDER**

**C.A. No. 49 of 2018 -**

Heard Shri N.C. Phadnis, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. By this application the applicants are claiming permission to sue jointly in the O.A.No. 158/2018. In the application the applicants are 43 in numbers. All the applicants are claiming benefit of Assured Career Progression Scheme (ACPS) and Time bound Promotion Scheme (TBPS) as per the G.R. dated 01/12/1994.

3. The learned counsel for the applicants submits that all the applicants belong to one of the same Batch and were appointed at the same time though through different orders. They have completed 12 years' of their services almost on similar dates and are claiming benefit of the Time bound promotion. The learned counsel for the applicants also placed reliance on the Judgment delivered by this Tribunal in group of similar matters in O.A.Nos.

581,582,583,584,585,586,587,588,589,590,591,592,593,594,595, 596,598,627,628,629 & 631 of 2012, wherein the applicants were allowed to sue jointly in the similar circumstances.

4. The learned CPO, however, objected for the application for sue jointly on the ground that in the similar circumstances this Tribunal has rejected the reliefs in other O.As. Considering the claim of the applicants and also considering the fact that all the applicants are appointed in one of the same Batch and therefore they may be entitled to claim reliefs almost on the same dates and since the applicants have already paid the requisite court fee of each applicant, the application for sue jointly is allowed in the interest of justice and equity and in order to avoid multiplicity of the process.

**O.A.No. 158/2018** –

Heard Shri N.C. Phadnis, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. Issue notice to R-2 & 3, returnable in **four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated

by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. **S.O. four weeks.**

**Dated :- 11/04/2018.**

**(J.D. Kulkarni)  
Vice-Chairman (J).**

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