

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**MISC APPLICATION NO 102 OF 2016  
IN  
ORIGINAL APPLICATION NO 1136 OF 2012**

**DISTRICT : MUMBAI**

1. The State of Maharashtra, )  
Through the Principal Secretary, )  
Finance Department, Mantralaya, )  
Mumbai 400 032. )
2. The Commissioner, )  
Small Savings & State Lottery, )  
Having office at New Administrative )  
Bldg, 8<sup>th</sup> floor, Opp. Mantralaya, )  
Mumbai 400 032. )...**Applicants**  
**(Ori Respondents)**

**Versus**

1. Smt Ratna Sanjig Thakurdesai )
2. Ms Kunda Madhukar Kharat )
3. Smt Sneha Sanjiv Panchal )
4. Smt Vidya Ghanasham Desai )
5. Smt Shakuntala Sahankar Desai )
6. Mrs Sangita Pravin Kadam )
7. Mrs Pratibha Ganesh Diwane )



8. Smt Shubhangi Vishnu Mayekar )
9. Mrs Rashimi Nitin Kamble )
10. Mrs Vaishali Ajit Kedari )
11. Smt Varsha Dinesh Nakhawa )
12. Smt Nayana Balkrishna Lad )
13. Smt Shital Balkrishna Chavan, )
14. Mrs Pradnya Dhondu Gawade )
15. Smt Swati Vishwanath Khedekar )
16. Smt Kalpana Bhaskar Barve )
17. Shri Yashwant Gunaji Nijapkar )
18. Shri Ravindra Dattaram Birwadkar )...**Respondents**  
(Ori Applicants)

Ms Neelima Gohad, learned Presenting Officer for the Applicants (Ori Respondents).

Shri G.A Bandiwadekar, learned advocate for the Respondents (Ori Applicants).

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**Shri R.B Malik (Member)(J)**

**DATE : 03.03.2016**

**PER : Shri R.B. Malik (Member)(J)**

### **ORDER**

1. Heard Ms Neelima Gohad, learned Presenting Officer for the Applicants (Ori Respondents) and Shri G.A Bandiwadekar, learned advocate for the Respondents (Ori Applicants).

2. The State, Original Respondents to the disposed of Original Application hereby seek extension of



time to comply with our order dated 22.1.2016 in O.A no 1136/2012.

3. We did not call upon the original Applicants to file affidavit in reply hereto because we considered it absolutely unnecessary to protract this matter any further.

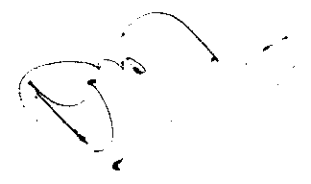
4. By the order on the Original Application, we indicated that we were deciding the same on the lines of the judgment of Sachin Dawale's case in Writ Petition no 2046/2010, which came to be confirmed by the Hon. Supreme Court. In that line, the present Applicants being Original Respondents were directed to regularize the services of the Applicants in the Original Application, who had completed 3 years with technical break. The present Applicants were directed to absorb the Applicants of the Original Application within six weeks from that date, which expires on 4.3.2016. There were certain other directions, which we are not concerned herewith in this particular Misc Application.

5. The Application sworn in by Shri Sitaram Kunte, Principal Secretary (Expenditure) in Finance Department, inter alia recites that the Certified Copy of the above referred judgment dated 22.1.2016 was applied for on 3.2.2016 and it was received the next day. The Applicants (Ori. Respondents) are required to seek

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opinion/sanction from Law & Judiciary Department, G.A.D, Finance Department and M.P.S.C, and therefore, they moved the Law & Judiciary Department on 6.2.2016. They have also sought sanction from G.A.D on 12.2.2016. On 22.2.2016, G.A.D informed them that they should first seek opinion of the Law & Judiciary Department. The matter was thus being followed up. The Assembly Session would soon start and everybody will be busy with the Budget session, and therefore, a minimum of four months would be required for compliance for doing we do not know what.

6. We have herein read the Application in extenso and we do not think it necessary to really elaborate on the same. Every judicial order is made for being implemented and this basic tenet need not even be stated. Here the manner in which the steps are or are not being taken would become clear from the nature of the Application itself. The issue is not as to whether the original Respondents realize the significance of respecting the judicial order, the issue is as to whether the essential public policy underlying the implementation of such orders in a civilized public administration should be allowed to be made light of. In fact, the order could as well have been implemented and still challenged, if so advised and in the event the order failed the test of the higher Court, it is not as if the whole thing would have become irreversible.



7. We find no merit in the application. We do not think it is genuine at all. With great effort on our part, we have restrained ourselves from imposing heavy cost. The Misc Application is accordingly dismissed with no order as to costs.

Sd/-  
**(R.B. Malik)**  
**Member (J)**

Sd/-  
**(Rajiv Agarwal )**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 03.03.2016**  
**Dictation taken by : A.K. Nair.**