

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

No.MAT/MUM/JUD/2762/2016
 Maharashtra Administrative Tribunal,
 Pay & Accounts Barrack Nos.3 & 4,
 Free Press Journal Marg,
 Nariman Point, Mumbai 400 021.

Date : **2 AUG 2016**

**M.A. NO. 218/2015 IN O.A. NO. 260 OF 2015 With
 M.A. No. 278/2015 IN O.A. NO. 260 OF 2015.**

(Sub :- Transfer)

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| <p>1 Shri Sureshkumar Ramchandra Nalawade (M.A. NO. 218/2015) C/o. Shri N.D.Yadav, Advocate for the Applicant. O/at. 32/2, Kevinpada, S.V.Road, Jogeshwari (west), Mumbai-400 102.</p> | <p>2 Shri M.G. Tayade & 02 Ors., (M.A. NO. 278/2015) C/o. Shri V.P. Potbhare, Advocate for the Applicants.</p> |
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...APPLICANT/ INTERVENER

Between

1. Shri Sambhaji Laxman Ghorpade & 15 Ors.
 C/o. Shri M.B.Gawade, Advocate for the Applicant. O/at. Nawab building, 2nd floor, Chamber no.6, D.N.Road, fort, Mumbai. 400001.

.....(Respondent-Org. Appl.)

V/s.

- | | |
|--|--|
| <p>1 The State of Maharashtra, Through The Secretary, P.W.D., Govt. of Maharashtra, having offices at Mantralaya, Mumbai-32.</p> <p>3 The Chief Secretary, Govt. of Maharashtra, having office at Mantralaya, Mumbai-32.</p> | <p>2 Additional Chief Secretary, G.A.D., Govt. of Maharashtra, having office at Mantralaya, Mumbai-32.</p> <p>4 The Principal Secretary, Industry, Energy and Labour Dept., Govt. of Maharashtra having office at Mantralaya, Mumbai-32.</p> |
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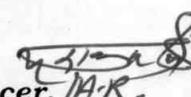
(Ori. Resp. No. 1 to 4).. ..RESPONDENTS

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 29th day of July, 2016 has made the following order:-

APPEARANCE : . Shri N.D.Yadav, Advocate for the Applicant- Intervener. **(M.A. No. 218 of 2015)**
 Shri V.P. Potbhare, Advocate for the Applicants- Intervener. **(M.A. No.278 of 2015)**
 Shri S.S. Dere, Advocate holding for Shri V.M. Thorat, Advocate for the Original Applicants.
 Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**
DATE : **29.07.2016.**
ORDER : Order Copy Enclosed / Order Copy Over Leaf.


Research Officer, I.A.R.
Maharashtra Administrative Tribunal,
Mumbai. 1.8.2016

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISCELLANEOUS APPLICATION NO.218 OF 2015 IN
ORIGINAL APPLICATION NO.260 OF 2015
WITH
MISCELLANEOUS APPLICATION NO.278 OF 2015 IN
ORIGINAL APPLICATION NO.260 OF 2015**

DISTRICT: MUMBAI

M.A.NO.218 OF 2015 IN O.A.NO.260 OF 2015

Shri Sureshkumar Ramchandra Nalawade,)
Age : 52 years, Occ : Electrical Inspector,)
Industry Energy and Labour Department,)
Add : Bali Blocks, Opp. Government Dairy)
Campus, Saat Rasta, Solapur.)

.... APPLICANT (INTERVENER)

BETWEEN

1. Shri Sambhaji Laxman Ghorpade)
Occ. Government Service as Deputy Engineer,)
Mantralaya, Electrical Subdivision,)
Mumbai 400 032)
Address for service of notice :)
B-1/8, Kanayanagar CHS)
Kopari Colony, Thane (East) 400 603)

2. Shri Mohan P. Mandalik,)
Occ. Government Service as Deputy Engineer,)
Mantralaya, Electrical Subdivision,)
Mumbai 400 032)
Address for service of notice :)
11/B/47 Pearls CHS, Janakalyan nagar,)
Marve Road, Malad (West).)
3. Shri Ninad Krushna Chavan,)
Occ. Government Service as Sectional Engineer,)
Navin Vidhan Bhavan, Electrical Subdivision,)
Mumbai 400 032)
Address for service of notice :)
B-1/250, Jivdaani Darshan CHS,)
Arundaya Nagar, Malad (East) 400 081.)
4. Mr. Umesh Sudhakar Pawaskar,)
Occ. Government Service as Deputy Engineer,)
Andheri, Electrical Sub Division,)
Mumbai 400 032)
Address for service of notice :)
4/216, Abhudayanagar, Kalachowky,)
Mumbai 400 033.)
5. Shri Dashrath D. Shinde,)
Occ. Government Service as Sectional Engineer,)
Andheri, Electrical Sub Division,)
Mumbai 400 032)

Address for service of notice :)
304, Virat Heights, Atali Main road,)
Ambavali (West), Kalyan.)

6. Sachin Bapu Band,)
Occ. Government Service as Junior Engineer,)
South Mumbai, Electrical Sub Division,)
Mumbai 400 032)

Address for service of notice :)
B-1208, Keshav Shrushti, Near Dean Bank,)
LBS Road. Bhandup (West), Mumbai 400 078.)

7. Kalyan Mukundrao Bachute,)
Occ. Government Service as Sectional Engineer,)
Mantralaya, Electrical Sub Division,)
Mumbai 400 032)

Address for service of notice :)
A/12, Rameshwar Darshan CHS,)
PN-115-116, Shivganga nagar,)
Ambarnath (East), Thane.)

8. Sachin Paraji Kokane,)
Occ. Government Service as Sectional Engineer,)
Malabar Hill, Electrical Sub Division,)
Mumbai 400 032)

Address for service of notice :)
A-14, third floor, Sahajeewan Society,)
M.J. Phule road, Naygaon, Dadar (East),)
Mumbai 400 014)

9. Sangharsh B. Mane,)
Occ. Government Service as Assistant Engineer,)
Office of the Superintending Engineer,)
Mumbai Regional Circle, Mumbai.)
Address for service of notice :)
Flat No.26, Jayhind CHS,)
Near Kalyan Station, Kalyan (West).)
10. Shri Vitthal Trimbak Jonwal,)
Occ. Government Service as Assistant Engineer,)
Navin Vidhan Bhavan, Electrical Sub Division,)
Mumbai 400 032)
Address for service of notice :)
Flat No.08, Om Ganesh CHS,)
Dombivali (East), Thane 421 201)
11. Ratnakar Shivaji Patil,)
Occ. Government Service as Deputy Engineer,)
Malabar Hill Electrical Sub Division,)
Mumbai 400 032)
Address for service of notice :)
Flat No.1004, Tenth Floor,)
Emerald Wadhwa Meadows,)
Near Sanghvi Regency, Gauri Pada,)
Kalyan (West), 421 301)

12. Pravin Narayan Kapadi,)
Occ. Government Service as Sectional Engineer,)
Malabar Hill Electrical Sub Division,)
Mumbai 400 032)
Address for service of notice :)
Room No.3, Kapli Chawl,)
Behind Atharv Society, Dhobi Aali,)
Thane (West))
13. Mahendra Kumar Nema,)
Occ. Government Service as Deputy Engineer,)
City Electrical Sub Division,)
High Court, Mumbai 400 032)
Address for service of notice :)
B-155/5, Government Colony, Bandra (East),)
Mumbai 51)
14. Narayan Khirappa Akmar,)
Occ. Government Service as Sectional Engineer,)
City Electrical Sub Division,)
PWD Building, 4th floor, Mumbai)
Address for service of notice :)
Flat No.3, Building B-326,)
Bandra Govt. Colony,)
Mumbai 400 051)
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15. Mukund Bhagwat Yadav,)
 Occ. Government Service as Sectional Engineer,)
 City Electrical Sub Division,)
 High Court, Mumbai 400 032)
 Address for service of notice :)
 B-303, Rachana CHS,)
 Bapusaheb Juvekar Marg,)
 Bhandup village, Bhandup (East),)
 Mumbai 400 042)
16. Khushal V. Haral)
 Occ. Government Service as Junior Engineer,)
 City Electrical Sub Division,)
 High Court, Mumbai 400 32)

VERSUS

1. The State of Maharashtra,)
 Through the Secretary,)
 Public Works Department,)
 Government of Maharashtra,)
 Having offices at Mantralaya,)
 Mumbai 400 32)
2. Additional Chief Secretary,)
 General Administration Department,)
 Government of Maharashtra,)
 Having office at Mantralaya,)
 Mumbai 400 032)

3. The Chief Secretary,)
 Government of Maharashtra,)
 Having office at Mantralaya,)
 Mumbai 400 032)
4. The Principal Secretary,)
 Industry, Energy and Labour Department,)
 Government of Maharashtra,)
 having office at Mantralaya, Mumbai 400 032)

.....RESPONDENTS

M.A.NO.278 OF 2015 IN O.A.NO.260 OF 2015

1. Shri Mahendra Gondu Tayade,)
 Occ : Service as Sectional Engineer (Electric),)
 O/o. the Electrical Inspector,)
 Secretary Licence & Lift Inspector,)
 Industries Engineer & Labour Department,)
 3rd floor, Administrative Building,)
 Ramkrishna Chemburkar Marg,)
 Chembur, Mumbai 400 071.)
 R/o. Room No.401, Bldg. No.A-9,)
 Happy Valley Co-op. Hsg. Society,)
 Tikuji Mi Wadi, Manpada, Thane.)
2. Shri Uday Shriram Ahire,)
 Occ. Service as Tracer,)
 O/o. the Deputy Engineer (Electric),)
 Div. Public Works, Div, Mulund. Mumbai.)

R/o. Gandh Kuti, Flat No.149,
Mahada Colony, Sector 3,
Badlapur (E), Dist. Thane 421 503

3. Shri Uttam Bansi Sanap,
Occ. Service as Sectional Engineer,
O/o. the Electrical Inspector,
Inspection Division, Thane - 2,
1 E and C Department, Thane.
R/o. B-11, Rameshwar Krupa Co-op. Hsg.,
Society, Flat No.116-117, Shivganga Nagar,
Ambarnath (E), Dist. Thane.

.....INTERVENER APPLICANTS.

BETWEEN

1. Sambhaji Laxman Ghorpade,
2. Mohan P. Mahadik,
3. Shri Ninad Krishna Chavan,
4. Umesh Sudhakar Pawaskar,
5. Dashrath D. Shinde,
6. Sachin Bapu Band
7. Kalyan Mukundrao Bachute,
8. Sachin Paraji Kokane,
9. Sangharsh B. Mane,
10. Vitthal Trimbak Jonwal,
11. Ratnakar Shivaji Patil,
12. Pravin Narayan Kapadi,
13. Mahendra Kumar Nema,
14. Narayan Khirappa Akmar

15. Mukund Bhagwat Yadav,)
 16. Khushal V. Haral)

....ORIGINAL APPLICANTS.

VERSUS

1. The State of Maharashtra,)
 2. Additional Chief Secretary,)
 3. The Chief Secretary,)
 4. The Principal Secretary,)

.....ORIGINAL RESPONDENTS NO.1 TO 4

Shri N.D. Yadav, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.218/2015 in O.A.No.260/2015.

Shri V.P. Potbhare, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.278/2015 in O.A.No.260/2015.

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 29.07.2016.

J U D G M E N T

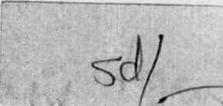
1. Heard Shri N.D. Yadav, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.218/2015 in O.A.No.260/2015 as well as heard Shri V.P. Potbhare, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.278/2015 in O.A.No.260/2015.

2. These two Miscellaneous Applications have been filed by the persons who are working in the Electrical Inspectorate and have applied to be allowed to intervene in the Original Application No.260 of 2015, which has been filed to challenge Government Resolutions dated 26.02.2015 and 24.04.2015 bifurcating the Electric Wing in P.W.D., Maharashtra between the Electrical Inspectorate and P.W.D. Maharashtra. The claim of the Applicants in the Miscellaneous Applications is that if the O.A.No.260/2015 is allowed, the Applicants will be adversely affected. They are, therefore, praying that the Applicants in Miscellaneous Applications may be allowed to be impleaded as Party Respondents in the cause title.

3. In M.A.No:218/2015, the Applicants in O.A.No.260/2015 had filed affidavit-in-reply on 22.06.2015. It is stated that the Applicant in M.A.No.218/2015, was offered promotion in the past, which he did not accept from 2011 to 2015. Now, he cannot claim that decision in O.A.No.260/2015, will adversely affect his prospects for his promotion. The Applicants in O.A.No.260/2015 have opposed the prayers of the Applicant in M.A.No.218/2015. In M.A.No.278/2015, the Applicants in O.A.No.260/2015 have filed affidavit-in-reply on 22.06.2015. It is stated that the Applicants in M.A.No.278/2015 have no locus standi and they are diploma holders and are not eligible for any promotion in Electrical Inspectorate under Energy Department. Their interests will not be adversely affected if O.A.No.260/2015 is allowed.



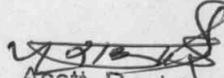
4. It is seen that the Applicants in O.A.No.260/2015 have challenged Government Resolutions dated 26.02.2015 and 24.04.2015, issued by the Industries, Energy and Labour Department of Government of Maharashtra. The Electrical Inspectorate was taken out from the administrative control of the Public Works Department and was placed under the Energy Department. The employees were also given choice either to remain with P.W.D. or to join Electrical Inspectorate. If these Government Resolutions are held to be unconstitutional, all employees working either in Electrical Wing of P.W.D. or in the Electrical Inspectorate of Energy Department will be affected. The prayer of the Applicants in both the Miscellaneous Applications that they should be allowed to intervene and impleaded as Party Respondents is fully justified. Both the M.A.s are accordingly allowed. The Applicants will implead the Applicants in M.A.No.218/2015 and M.A.No.278/2015 as party Respondents and save copies of the O.A. to them. This should be done within a period of two weeks from today. The O.A. may be kept for further hearing two weeks thereafter.


 (RAJIV AGARWAL)
 VICE-CHAIRMAN

Place : Mumbai
Date : 29.07.2016
Typed by : PRK

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TRUE COPY


 Asstt. Registrar/Research Officer
 Maharashtra Administrative Tribunal
 Mumbai. / 8. 2016