

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NOS 1029, 1030, 1031, 1032 & 1033/2014

DISTRICT : NAGPUR

- 1) **ORIGINAL APPLICATION NO 1029/2014 (MUMBAI)
ORIGINAL APPLICATION NO 678/2013 (NAGPUR)**

Rupali Suresh Bidkar,)
Working as Supervisor with Res. No. 3,)
R/o : Plot No. 31, Pawanbhumi,)
Somalwada, Wardha Road,)
Nagpur 440 022.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Ministry of Women and Child)
Development, Mantralaya,)
Mumbai 400 032.)
2. The Commissioner,)
Women & Child Development,)
M.S., Pune – 01. Through office)
of Chief Presenting Officer,)
Maharashtra Administrative)
Tribunal, Nagpur Bench].)
3. District Women and Child)
Development Officer,)
Child Development Project)
[Civil], Nagpur City,)
Mananagar, Nagpur.)
4. The Commissioner for Integrated)
Child Development Services)
Scheme, [Maharashtra State],)

Having office at Raigad Bhawan,)
 1st floor, Rear Wing, C.B.D,)
 Belapur, Navi Mumbai 400 614.)...**Respondents**

**2) ORIGINAL APPLICATION NO 1030/2014 (MUMBAI)
 ORIGINAL APPLICATION NO 679/2013 (NAGPUR)**

Mamta Daulatrao Sunderkar)
 Working as Supervisor with Res. No. 3,)
 C/o: Mr Ravikant Uttamrao Gavai,)
 Vilas Nagar, in front of Corporation)
 Hospital, Amravati.)...**Applicant**

Versus

1. The State of Maharashtra)
 Through the Secretary,)
 Ministry of Women and Child)
 Development, Mantralaya,)
 Mumbai 400 032.)
2. The Commissioner,)
 Women & Child Development,)
 M.S., Pune – 01. Through office)
 of Chief Presenting Officer,)
 Maharashtra Administrative)
 Tribunal, Nagpur Bench].)
3. District Women and Child)
 Development Officer,)
 Child Development Project)
 [Civil], Achalpur-Daryapur [Old])
4. The Commissioner for Integrated)
 Child Development Services)
 Scheme, [Maharashtra State],)
 Having office at Raigad Bhawan,)
 1st floor, Rear Wing, C.B.D,)
 Belapur, Navi Mumbai 400 614.)...**Respondents**

**3) ORIGINAL APPLICATION NO 1031/2014 (MUMBAI)
ORIGINAL APPLICATION NO 680/2013 (NAGPUR)**

Sulochana Shesharaoji Kinhekar)
Working as Supervisor with Res. No. 3,)
C/o: Mr Yeskar, Panjab Colony,)
Arvi Road, Nagpur.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Ministry of Women and Child)
Development, Mantralaya,)
Mumbai 400 032.)
2. The Commissioner,)
Women & Child Development,)
M.S., Pune – 01. Through office)
of Chief Presenting Officer,)
Maharashtra Administrative)
Tribunal, Nagpur Bench].)
3. District Women and Child)
Development Officer,)
Child Development Project)
[Civil], Higanghat, Wardha.)
4. The Commissioner for Integrated)
Child Development Services)
Scheme, [Maharashtra State],)
Having office at Raigad Bhawan,)
1st floor, Rear Wing, C.B.D,)
Belapur, Navi Mumbai 400 614.)...**Respondents**

**4) ORIGINAL APPLICATION NO 1032/2014 (MUMBAI)
ORIGINAL APPLICATION NO 681/2013 (NAGPUR)**

Jyoti Gunwant Rohankar)
Working as Supervisor with Res. No. 3,)
C/o: Jitendra Kadukar,)

Mahananda Nagar, Umersara,)
 Yevatmal 445 001.)...**Applicant**

Versus

1. The State of Maharashtra)
 Through the Secretary,)
 Ministry of Women and Child)
 Development, Mantralaya,)
 Mumbai 400 032.)
2. The Commissioner,)
 Women & Child Development,)
 M.S., Pune – 01. Through office)
 of Chief Presenting Officer,)
 Maharashtra Administrative)
 Tribunal, Nagpur Bench].)
3. District Women and Child)
 Development Officer,)
 Child Development Project)
 [Civil], Chandrapur.)
4. The Commissioner for Integrated)
 Child Development Services)
 Scheme, [Maharashtra State],)
 Having office at Raigad Bhawan,)
 1st floor, Rear Wing, C.B.D,)
 Belapur, Navi Mumbai 400 614.)...**Respondents**

**5) ORIGINAL APPLICATION NO 1033/2014 (MUMBAI)
 ORIGINAL APPLICATION NO 438/2014 (NAGPUR)**

Vaishali Prashant Ingole,)
 Working as Supervisor C/o: Girinagar,)
 Yevatmal.)...**Applicant**

Versus

1. The State of Maharashtra)
 Through the Secretary,)

- Ministry of Women and Child)
 Development, Mantralaya,)
 Mumbai 400 032.)
2. The Commissioner,)
 Women & Child Development,)
 M.S., Pune.)
3. District Women and Child)
 Development Officer,)
 Child Development Project)
 [Shahari Prakash], Ballarpur)
 Dist-Chandrapur.)
4. The Commissioner for Integrated)
 Child Development Services)
 Scheme, [Maharashtra State],)
 Having office at Raigad Bhawan,)
 1st floor, Rear Wing, C.B.D,)
 Belapur, Navi Mumbai 400 614.)...**Respondents**

Dr Gunratan Sadavarte, learned advocate for the Applicants.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**
RESERVED ON : **08.05.2019**
PRONOUNCED ON : **10.06.2019**

J U D G M E N T

1. Dr Gunratan Sadavarte, learned advocate for the applicants.
 Heard Smt Kranti S. Gaikwad, learned Presenting Officer for the
 Respondents.

2. Today this Tribunal has decided O.A 1100/2013 by judgment.

3. Facts of the present case are replica of facts of O.A 1100/2013
 decided today except:-

- (a) The case of applicant Nos 16, 23, 24 & 25 in O.A 1100/2013.
- (b) Applicant in present O.As had left earlier job.

4. All other points agitated in O.A 1100/2013 have, been agitated even in present O.A, except the points namely:-

- (a) Order of removal is not issued by appointing authority.
- (b) The appointments even if could be said to be irregular are not illegal, and applicants could be very well absorbed/protected.

5. Major facts of present group of Original Applications and of O.A 1100/2013, decided today, being replica and concurrent, for same reasons recorded in O.A 1100/2013, present Original Applications succeed.

6. In O.A no 1100/2013 this Tribunal had stayed the order of removal/termination and applicants therein had served and earned wages. However, in the present group of cases, the applicants did not get the protection by way of interim relief and they remained out of employment. Therefore, the aspect of back wages needs to be discussed.

7. In the process of judicial functioning one group of applicants (those in O.A 1100/2013) got interim stay of impugned order, while Applicants in present group of O.As failed in getting order of stay of impugned order.

8. This situation could be denoted as fortuitous. This Tribunal has to consider that there has to be consistency in judicial pronouncement. Had applicants carried the refusal of interim relief ordered in present

group of O.As before higher forum, most probably one the ground of 'consistency in the matter of judicial orders', higher Forum may have protected present applicants as well.

9. By applying the same principles, applicants are entitled to be treated as if they have actually rendered service. Giving treatment different than other members of same class have received would amount to differentiate or discriminate the applicants without grounds whatsoever.

10. Hence, this Tribunal holds that applicants shall be entitled for relief that impugned order are liable to be quashed and set aside, applicants are also entitled for further relief that they be reinstated with benefit of continuity of service with all consequences along with full back wages by treating that impugned orders were not at all passed since those are now set aside.

11. Hence, applicants are entitled to full back wages.

12. In the facts and circumstances, parties are directed to bear own costs.

Sd/-
(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 10.06.2019
Dictation taken by : A.K. Nair.