

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 905/2012.

Miss Pushpa Govindrao Vayale,
Aged about 24 years,
Occ_ Service,
R/o Parvati Nagar, Umarsara Road,
Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Irrigation,
Mantralaya, Mumbai-440 032.
- 2) The Superintending Engineer, & Zonal Officer,
Vigilance Cell Department,
Amravati Water Conservation Department,
Amravati.

Respondents

ORIGINAL APPLICATION NO. 915/2012.

Dipali Jagdev Tayade,
Aged about 30 years,
Occ_ Service,
R/o Ramesh Nagar, Dabki Road,
Akola.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Water Resources,
Mantralaya, Mumbai-440 032.
- 2) The Superintending Engineer, & Circle Officer,
Vigilance Cell, Amravati Circle,
Water Resources Department, Amravati.

- 3) The Superintending Engineer,
Buldhana Irrigation Project Circle,
Buldhana.

Respondents

ORIGINAL APPLICATION NO. 936/2012.

Varsha Prakash Kalyankar,
Aged about 33 years,
Occ_ Unemployed,
R/o Bharti Plot, Old City,
Akola.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Water Resources,
Mantralaya, Mumbai-440 032.
- 2) The Superintending Engineer, & Circle Officer,
Vigilance Cell, Amravati Circle,
Water Resources Department, Amravati.

- 3) The Superintending Engineer,
Akola Irrigation Circle, Akola.

Respondents

ORIGINAL APPLICATION NO. 937/2012.

Anjana Bhonaji Nrupnarayan,
Aged about 33 years,
Occ_ Unemployed,
R/o VHB Colony, Malkapur,
Distt. Akola.

Applicant.

Versus

S/S

- 1) The State of Maharashtra,
Through its Secretary,
Department of Water Resources,
Mantralaya, Mumbai-440 032.
- 2) The Superintending Engineer, & Circle Officer,
Vigilance Cell, Amravati Circle,
Water Resources Department, Amravati.
- 3) The Superintending Engineer,
Akola Irrigation Circle, Akola.

Respondents

Shri S.N. Gaikwad, Advocate for the applicant.
Shri A.M. Ghogre, P.O. for the respondents.

**Coram:- B. Majumdar, Vice Chairman and
S.S. Hingne, Member (J).**

Dated: - 7th July 2016.

ORDER

PER : MEMBER (J)

Heard Shri S.N. Gaikwad, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The factual aspects are no longer in dispute. It is also not disputed that this Tribunal has decided the O.A. No. 904 and 940 of 2012 and other O.As by common order dated 28.4.2016 and allowed the O.As. Same common issue being involved in all these O.As, ^{all cases} hence same are disposed of by common order, _{1st}

3. The grievance of the applicants in the above decided matter and the present applicants is the same. They were recruited vide same process so also their services are terminated adopting the one recourse.

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4. The present applicants were appointed in November 2012 and their services are terminated vide order dated 9.11.2012. The reasons of termination in all these matters are also common. While deciding O.A. No.904/2012, several points are raised which are common in the present O.As also. Not holding the qualification at the time of recruitment is the main ground of termination of their services. All these aspects are elaborately considered in the order dated 28.4.2016 while deciding O.As 904/2012 & 940/2012.. Considering of the citations, this Tribunal while deciding the above O.As held as under:

“Hence, in view of the clearly laid down law that no employee can be terminated from service without complying with the principles of natural justice, i.e., by granting him an opportunity to defend himself, we hold that even if the applicants were found not to be qualified for the post as per the recruitment rules, the respondents could not have terminated their services without at least issuing them show cause notices and an opportunity to be heard.

We therefore hold that the impugned orders of termination are not legally tenable.”

5. The facts of the cases decided as above and that of the present O.As are identical. Relying on the above observations, the O.As are disposed of in the same terms as follows:

Sist.

- (a) The O.As are partly allowed.
- (b) The impugned orders of termination dated 9.11.2012 are quashed and set aside.
- (c) The respondents are directed to reinstate the applicants to the post of Civil Engineering Assistants. This will be done within **eight weeks** of receipt of this order.
- (d) The applicants will not be entitled to any wages for the period for which they were out of service. However, they will be entitled to the benefit of continuity in service from the date of their original appointment.
- (e) The respondents are at liberty to take appropriate action with regard to the applicants' termination in service as per the provisions of M.C.S. (D & A) Rules, 1979.
- (f) There shall be no order as to costs.

sd/-

(S.S. Hingne)
Member (J)

sd/-

(B. Majumdar)
Vice-Chairman