

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 98 of 2018 (S.B.)

1. Jaya Vinayak Ingle,
Aged about 42 years, Occ. Project Assistant,
R/o Sunuta Smruti, Chhindwada Road, Chaoni,
Nagpur.
2. Shushma Suresh Sarpe,
Aged about 34 years, Occ. Office Assistant,
R/o Plot No.21, Mannewar Colony, Anant Nagar,
Nagpur.
3. Shweta Ramesh Rao Nimje,
Aged about 37 years, Occ. Office Assistant,
R/o 76, PMG Society, Narendra Nagar, Nagpur.
4. Prafull Pundlikrao Warkad,
Aged about 41 years, Occ. Office Assistant,
R/o KHS Dean Office Gate, Ramdas Colony, Quarter
No.6, Sevagram, Wardha.
5. Ashish Ashok Khandait,
Aged about 32 years, Occ. Project Assistant,
Plot No.183, Shikshak Colony Bharat Nagar, Kalamna Road,
Nagpur.
6. Hitesh Prakashrao Bhonge,
Aged about 35 years, Occ. Gen. Office Assistant,
R/o Kasarkheda, Dhamangaon Rly. Amravati.
7. Leena Rajesh Raut,
Aged about 35 years, Occ. Office Assistant,
R/o 3, Sangha Mitra Buddha Vihar Gopal Nagar,
Nagpur.
8. Prashant Deorao Chahandkar,
Aged about 38 years, Occ. Con. Project Assistant,
R/o Plot No.6, Near Kala Maroti Mandir, Jayant Nagar,
Omkar Nagar, Nagpur.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary, Higher and Technical Education,
Mantralaya, Mumbai.
- 2) Maharashtra State Board of Technical Education,
through its Director, 4th floor, Government Polytechnic Building,
49, Kherwadi, Bandra (E), Mumbai.
- 3) The Deputy Secretary,
Maharashtra State Board of Technical Education,
Region Office, Sadar, Nagpur.
- 4) Director of Technical Education,
State of Maharashtra, 3, Municipal Corporation Road,
Post Box No.1967, near Cama Hospital, Mumbai-400 001.

Respondents.

Shri R.M. Fating, Advocate for the applicants.
Shri H.K. Pande, learned P.O. for respondent nos.1 and 4.
Shri P.R. Puri, Advocate for respondent nos.2 and 3.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 03/01/2023.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicants,
Shri H.K. Pande, learned P.O. for respondent nos.1 and 4 and Shri
P.R. Puri, learned counsel for respondent nos.2&3.

2. The learned counsel for applicants has pointed out pursis
dated 09/12/2022. Para-2 of the pursis reads as under –

*“ However, the applicants are now restricting their prayer to direct the
respondents to consider for absorption of the applicants in service in view of
provision under Section 21 of the Maharashtra State Board of Technical*

Education, 1997, by deciding their representations. So also, direct the respondents not to disturb the services of the applicants and continue their services till their absorption in service, in interest of justice.”

3. Heard Shri P.R. Puri, learned counsel for respondent nos.2 and 3. He has pointed out the order passed by the Administrative Tribunal, Mumbai in O.A. 61/2018 with connected matters. He has pointed out para-2 and 3 of the order. He has submitted that the O.A. itself is not tenable.

4. The learned counsel for applicants Shri R.M. Fating has pointed out the Section 15 and 3 (q) of the Administrative Tribunals Act. He has also pointed out Section 5 and 21 of the Maharashtra State Board of Technical Education Act, 1997.

5. The learned counsel for the applicants has pointed out the Judgment of the Maharashtra Administrative Tribunal, Mumbai in O.A. No.801/2017. He has pointed out para-18 and 19 of the Judgment. The learned counsel for applicants has submitted that applicants are only praying for direction to the respondents to decide their representations.

6. From the perusal of the Judgment in O.A. No.801/2017 and the definition of Section 3 (q) r/w Section 15 of Administrative Tribunals Act. It appears that this Tribunal has jurisdiction to entertain and decide the dispute. The Maharashtra Administrative Tribunal,

Mumbai in O.A. No.801/2017 has given specific findings about the jurisdiction of this Tribunal.

7. Hence, objection raised by the learned counsel for respondent nos.2&3 Shri P.R. Puri relying on the order dated 10/12/2019 in O.A. 61/2018 cannot be considered. From the perusal of the order, it appears that there is no such any finding stating that the Tribunal has no any jurisdiction. One Advocate Shri Khandekar for the respondents raised objection that the State Board of Technical Education does not fall within the jurisdiction of this Tribunal and the learned counsel for applicants conceded the view and withdrawn all the O.As., that does not mean that there is a specific finding of the Tribunal to show that Maharashtra Administrative Tribunal has no jurisdiction to entertain and decide the dispute. Section 15 of the Administrative Tribunals Act is very clear. Moreover, the service is defined in Section 3 (q) of the Administrative Tribunals Act. Hence, the objection raised by learned counsel Shri P.R. Puri cannot be taken into consideration.

9. As per pursis dated 09/12/2022 the applicants are praying for direction to the respondents to decide their representations as per the provisions of Section 21 of the Maharashtra State Board of Technical Education Act,1997 and direct the respondents not to

disturb the services of the applicants and continue their services till absorption in service.

10. There is no dispute that the applicants are working with the respondents. As per Section 5 of the Maharashtra State Board of Technical Education Act,1997, the Board is controlled by the State Government and therefore it falls in the definition of Section 15 of the Administrative Tribunals Act, therefore, the respondents can decide the representations. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to decide the representations of the applicants as per the provisions of Section 21 of the Maharashtra State Board of Technical Education Act,1997.
- (iii) Till the decision on the representations of applicants, services of the applicants shall not be disturbed.
- (iv) No order as to costs.

Dated :- 03/01/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/01/2023.