

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NOS. 160, 166 and 167/2016.

Mr. Vinayak Janardhan Mate,
Aged about 47 years,
R/o East Samarth Nagar,
Lakhani (M.S.) ----- **Applicant.**

Versus

The State of Maharashtra,
Through its Additional Chief Secretary,
Home Department ,
Mantralaya, Mumbai

2. The Commissioner of State Excise,
Maharashtra State, Mumbai.
 3. The Joint Commissioner(Administration)
State Excise,
Maharashtra State, Mumbai.
 4. The Superintendent State Excise,
Bhandara. ----- **Respondents.**
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ORIGINAL APPLICATION NO. 166/2016.

Mr. Shirish Avinashrao Deshmukh,
Aged about 39 years,
R/o 39, Kirti Nagar,
Navin Nandanvan Layout,
Nagpur. ----- **Applicant.**

Versus

The State of Maharashtra,

Through its Additional Chief Secretary,
Home Department ,
Mantralaya, Mumbai

2. The Commissioner of State Excise,
Maharashtra State, Mumbai.
 3. The Joint Commissioner(Administration)
State Excise,
Maharashtra State, Mumbai.
 4. The Superintendent State Excise,
Nagpur ----- **Respondents.**
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ORIGINAL APPLICATION NO. 167/2016.

Mr. Shailendra Harishchand Dube,
Aged about 34 years,
R/o Near Jaipuriya Hospital,
Civil Lines,
Gondia(M.S.) ----- **Applicant.**

Versus

- The State of Maharashtra,
Through its Additional Chief Secretary,
Home Department ,
Mantralaya, Mumbai
2. The Commissioner of State Excise,
Maharashtra State, Mumbai.
 3. The Joint Commissioner(Administration)
State Excise,
Maharashtra State, Mumbai.

4. The Superintendent State Excise,
Gondia. ----- **Respondents.**

1. Shri S.C. Deshmukh, Advocate for the applicants.
 2. S/Shri A.M. Ghogare and V.A. Kulkarni, Presenting Officers for the Respondents.
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CORAM : R.B. Malik : Member (J)
DATE : 8th February, 2017

ORDER

These three O.As. ate brought by Constables-cum-Drivers in the State Excise Department in effect seeking the relief of quashing and setting aside of the order impugned herein above at Annexure-A-1, dtd. 2/3/2016 whereby an earlier order of 11/6/2014 was in effect cancelled. The net result thereof was that the applicants would be re-posted as Driver-cum-Constable.

2. I have perused the record and proceedings of these three O.As. and heard Shri S.C. Deshmukh, Id. counsel for the

applicants and S/Shri A.M. Ghogare and V.A. Kulkarni, Id. P.Os. for the respondents.

3. The facts herein and the principles involved are such that these three O.As. are exactly similar in every respect to the O.A. No.360/2016 (**Mr. Prakash Shantaram Misale –vs- the Commissioner of State Excise**) and one other O.A. These two O.As. came to be decided by a common judgment on 4/1/2017 by the Single Bench in the Principal Bench at Mumbai which spoke through me. I have in those matters considered each and every aspect of the matter and I must repeat that the present applicants are exactly similarly placed as those applicants and therefore even the elementary principles of law of precedents the conclusions in that judgment will be the conclusions herein. The Id. P.O. further submits that as per the observations in that judgment the respondents can now give an opportunity of being heard to the applicants. Para 9 of my order referred above may be perused and I do not think it is either necessary or proper for me to accept such a request now.

4. With the above observations, the orders herein impugned stand hereby quashed and set aside. By an interim order the applicants are already posted as Constables, State Excise and it is directed that they shall continue to be so posted and in that sense the interim order earlier granted is hereby confirmed. The O.As. are allowed in these terms with no order as to costs.

(R.B. Malik)
Member (J)

Skt.