

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**ORIGINAL APPLICATION NO.1088 OF 2017
(Subject : Termination)**

DISTRICT : PUNE

Shri Abhinav Ravikiran Kamble)
ESIS Hospital, Mohan Nagar, Chinchwad,)
District Pune and residing at Flat No.10,)
Building No.22, Sheetal Baug Society,)
Bhosari, District Pune.) **....Applicant.**

Versus

1. Government of Maharashtra,)
Through Principal Secretary,)
Public Health Department,)
Having office at St. Georges Hospital,)
Compound, Fort, Mumbai.)
2. Commissioner,)
ESIS, Panchdeep Bhavan, 6th floor,)
N.M. Joshi Marg, Lower Parel,)
Mumbai 400 013.)
3. Medical Superintendent,)
ESIS Hospital, Mohan Nagar,)
Chinchwad, Pune.) **.....Respondents.**

Shri M.D. Lonkar, the learned Advocate for the Applicant.

Shri K.B. Bhise, the learned P.O. for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 06.08.2018.

J U D G M E N T

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
2. Matter is being taken up for hearing by consent.

3. Issue involved in the present case is whether the impugned order is legal, particularly in the background that applicant has already passed the Marathi typewriting examination beyond the time limit prescribed by Government Resolution and before the date of termination order.

4. Government of Maharashtra had prescribed two years time limit for passing of Marathi typewriting examination for General Category candidates, while restricted the same to only one year for the nominates of freedom fighters.

5. The stance of the Government is already deprecated before this Tribunal as well as by the Hon'ble High Court in case of Sachin V. Kshirsagar Vs. State of Maharashtra & Ors. in Writ Petition No.4872 of 2012 & Ors. dated 14.03.2013 and the said judgment is duly confirmed by the Hon'ble Apex Court.

6. In view of the foregoing rulings, no further reasons are necessary. Impugned order is quashed and set aside.

7. Original Application is allowed in terms of prayer clause prayer 15(a), which reads as under :-

“(a) This Hon'ble Tribunal be pleased to hold and declare that the impugned orders dated 9.11.2017 and 13.11.2017 issued by Respondent No.2 as illegal and bad in law and the same be quashed and set aside with all consequential service benefits in favour of the present Petitioner.”

(Quoted prayer (a) from page 12 of the paper book of O.A.)

8. Parties are directed to bear their own costs.

Sd/-

(A.H. Joshi, J.)
Chairman

prk