

Thakar

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/4360 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 30 NOV 2016

**ORIGINAL APPLICATION NO. 213 OF 2016.
(Sub :-Seniority List of badli employees.)**

- 1 Shri. Vithal Narayan Jagtap,
Residing at Pundalik Apartment, Building No. 2, Room No. 407,
Badekar Nagar, Diva Agasan Road, Diva, District Thane.

....**APPLICANT/S.**

VERSUS

1. The Dean, J.J. Group of Hospitals, Mumbai - 400 008.

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 28th day of **November, 2016** has made the following order:-*

APPEARANCE : Shri M.D. Lonkar, Advocate for the Applicants.
Shri N.K. Rajpurohit, C.P.O. for the Respondent.

CORAM : HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.
HON'BLE SHRI R.B. MALIK, MEMBER (J).

DATE : 28.11.2016.

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Moyal
30/11/2016*

**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

Tribunal's orders

O.A.213/2016

Shri V.N. Jagtap ... Applicant
Vs. ... Respondents
The State of Mah. & ors.

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This OA is brought for the relief of considering the case of the Applicant for being included in the seniority list of Badli employees with consequential service benefits.

As a matter of fact, in Exh. 'C' (Page 10 of the Paper Book) by communication of 19.7.2013 by the Administrative Officer, Nursing Section of J.J. Group of Hospitals being the Respondents herein, the said authority had informed the Applicant in effect that even if the Applicant's claim was accepted, he would be given work as Badli employees for 29 days provided he could present before the said authority and order made by the Court of competent jurisdiction. Our attention is invited to the Judgment of the Hon'ble High Court in Writ Petition No.1182/1999 (Sarva Mazdoor Sangh Vs. The Superintendent, J.J. Group of Hospitals, dated 23.06.1999) wherein the Hon'ble High Court was pleased to allow the Writ Petition setting aside the order of the Industrial Court declining interim relief and it was made clear that the order of the Hon'ble Chairman was without prejudice to the right of the present Respondent being the Respondent there also to make appointment on compassionate ground in accordance with the Rules.

In all fairness, Mr. Lonkar, the learned Advocate for the Applicant accepts the position that there is no question of the Applicant claiming regularization for the facts do not justify such a claim. Mr. Rajpurohit, the learned CPO did tried to raise an issue of over-age, etc. However, in our opinion, by the very nature of things, the Applicant's claim being that of Badli employee, there is no question of that aspect of the matter being invoked to any advantage by the Applicant.

The upshot is that the OA is allowed to the extent that the name of the Applicant be included in the list of Badli employees in Nursing Section of the Respondents. No order as to costs.

DATE: 28/11/16

CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)

Hon'ble Shri. B. MALIK (Member)

APPEARANCE:
Shri/Smt. M.D. Lonkar

Advocate for the Applicant
Shri/Smt. N.K. Rajpurohit
C.P.O./P.O. for the Respondents

A.O. O.A. is Allowed.
[Signature]

[Signature]
28.11.16
(R.B. Malik)
Member (J)
28.11.2016

[Signature]
(Rajiv Agarwal)
Vice - Chairman
28.11.2016

(skw)

TRUE COPY
[Signature]
30/11/2016