

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.247 OF 2016
WITH
ORIGINAL APPLICATION NO.248 OF 2016
WITH
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WITH
ORIGINAL APPLICATION NO.250 OF 2016
WITH
ORIGINAL APPLICATION NO.251 OF 2016

DISTRICT : MUMBAI

ORIGINAL APPLICATION NO.247 OF 2016

Sanjay Vithal Chavan.)
Age : 40 yrs. Occu.: Service,)
Working as Jr. Engineer in P.W.D, Mumbai)
Circle at Chembur and residing at 24/2,)
Rajan Chawl, Santoshi Matha Co-op.Soc.)
Ltd., Santoshi Matha Nagar, Tagore Nagar)
Group No.5, Vikhroli (E), Mumbai - 83.)...**Applicant**

Versus

1. The Secretary,)
Public Health Department,)
Mantralaya, Mumbai - 400 032.)



2. The Desk Office, Seva-3,)
 The State of Maharashtra,)
 Mantralaya, Mumbai 400 032.)
3. The State of Maharashtra.)
 Through the Secretary,)
 Public Works Department,)
 Mantralaya, Mumbai.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.248 OF 2016

Vishwanath Babaji Kamlapure.)
 Age : 31 yrs. Occu.: Service,)
 Working as Jr. Engineer in P.W.D, Thane)
 Circle of Mumbai Zone and residing at)
 Savali B/4/8, G.J. Marg, Worli,)
 Mumbai - 400 018.)...**Applicant**

Versus

1. The Secretary,)
 Public Health Department & 2 ors.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.249 OF 2016

Manoj Haribhau Jadhav.)
 Occu.: Service, Working as Jr. Engineer)
 in P.W.D, Nashik Circle and residing at)
 Type-2B, 1267, Ozar Township,)



Tal. Niphad, Dist : Nashik.

)...Applicant

Versus

1. The Secretary,)
Public Health Department & 2 ors.)...Respondents

WITH

ORIGINAL APPLICATION NO.250 OF 2016

Govind Ramchandra Sonavane.)
Age : 35 yrs., Occu.: Service,)
Working as Jr. Engineer in P.W.D,)
Nashik Circle and residing at 8,)
Mahashakti Society, Near Trikoni Garden,)
Kathgalli, Swarka, Dist : Nashik.)...Applicant

Versus

1. The Secretary,)
Public Health Department & 2 ors.)...Respondents

WITH

ORIGINAL APPLICATION NO.251 OF 2016

Naveenkumar Damodar Bari.)
Age : 41 yrs, Occu.: Service,)
Working as Jr. Engineer in P.W.D,)
Thane Circle of Mumbai Zone and)

Handwritten signature/initials

residing at Eden Annex, Ground Floor,)
 A/03, Masoli, Dahanu Road,)
 Dist : Palghar.)...**Applicant**

Versus

1. The Secretary,)
 Public Health Department & 2 ors.)...**Respondents**

Smt. Prabha Badadare, Advocate for Applicants.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : RAJIV AGARWAL (VICE-CHAIRMAN)
R.B. MALIK (MEMBER-JUDICIAL)

DATE : 18.04.2016

PER : R.B. MALIK (MEMBER-JUDICIAL)

JUDGMENT

1. These five Original Applications (OAs) can be disposed of by this common judgment on a short point. That is because of the fact that the same issue is now under consideration of the Hon'ble Bombay High Court (Nagpur Bench) in the matter of **State of Maharashtra Vs. Ravikand Arjunrao Gedam & Ors. (Writ Petition No.741 of 2015)**.

3



2. The Applicants herein challenged the order of reversion dated 1.3.2016. The Applicants came to be appointed as Civil Engineering Assistants on different dates. The promotional post was Junior Engineer in different Circles of Public Works Department (PWD). They claimed promotion from what can be described as "5% quota". This was in accordance with the Rule 3(a)(ii) of "Junior Engineers (Civil) Group-B non-gazetted in the Public Works Department and Irrigation Department (Recruitment) (Amendment) Rules, 1998". However, as a result of the events that happened including orders passed by the Nagpur Bench of this Tribunal and by the Hon'ble High Court ultimately the impugned order was issued effectively reverting the Applicants back to their original post. In the meanwhile, Nagpur Bench of this Tribunal in making orders on OA 139/2016, dated 30.3.2016 dealing with other similarly placed personnel by a detailed and reasoned order stayed the order of reversion herein impugned till further orders. That was apparently because of the orders of the Bombay High Court in its Nagpur Bench in Writ Petition Nos.741/2015, 721/2016 and 683/2016. We have perused the order of the Nagpur Bench of this Tribunal.



3. On parity of reasoning, we also adopted the same course of action as did Nagpur Bench of this Tribunal in the above referred OAs and by our order of 11.4.2016 stayed the operation of the impugned order.

4. Now, although we have heard the arguments of both the sides which have been concluded, we find that the matter is still pending consideration of the Hon'ble Bombay High Court in its Nagpur Bench in **Writ Petition No.741/2015** wherein the earlier order of the Nagpur Bench of this Tribunal has not been stayed although the Writ Petition has been admitted. Pertinently, some similarly placed employees who were not parties to the earlier OAs or Writ Petition sought impleadment by taking out Civil Application (W) No.520/2016 in Writ Petition No.721/2016. That application came to be disposed of by the Hon'ble High Court and it was inter-alia observed by Their Lordships as follows :

“We are therefore not inclined to entertain the present application. We dispose of the present application with observation that there is no direction issued by this Court to withdraw the promotions granted in favour of the present applicants.”



5. Now, in view of the foregoing, since the issues herein involved are under consideration in the Writ Petition before the Hon'ble High Court, we are of the opinion and for which, both the sides also do not have any serious objection (Mr. A.J. Chougule, P.O. on instructions from Shri Anand Bhondve, Under Secretary, P.W.D, Mantralaya) that this fasciculus of OAs can be disposed of in terms of our interim order of 11.4.2016 with a direction that all concerned would be bound by the ultimate outcome of the pending Writ Petition above referred to.

6. These Original Applications are accordingly disposed of in terms of the interim orders made by this Bench on 11.4.2016 and all concerned will note that this will be subject to the ultimate outcome and the directions given by the Hon'ble High Court in the pending Writ Petition above referred to. No order as to costs.

Sd/-

(R.B. Malik)
Member-J
18.04.2016

Sd/-

(Rajiv Agarwal)
Vice-Chairman
18.04.2016

Mumbai

Date : 18.04.2016

Dictation taken by :

S.K. Wamanse.