

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.804 OF 2018

(Subject : Absorption/ Regularisation)

Shri Gaurav Chandrakant Wayal)
Group B, Scientific Officer,)
Cyber Crime and TASI Division)
In the office of Regional Forensic Science Laboratory,)
Having o/a Opp Rajbhavan Ganesh Khind Pune)
R/o. Ramkrushna Bungalow,)
Behind Market Yard, Mitramandal Colony,)
Pandurang Nagar, Rajguru Nagar,)
Tal. Khed, Dist. Pune) **....Applicants.**

Versus

1. The Director General, (Judicial and Technical))
Director, Directorate of Forensic Science)
Laboratories, Maharashtra State,)
Home Department, Vidyanagri, Hansbhugramarg,)
Kalina Santacruz, Mumbai)

2. The State of Maharashtra,)
The Additional Chief Secretary,)
Home Department,)
Mantralaya, Mumbai.) **....Respondents**

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant.

Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

RESERVED ON : 28.11.2018.

PRONOUNCED ON : 14.12.2018

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Perused the record. Facts of present O.A. are replica of the facts as in O.A.No.736 of 2018 with O.A.No.793 of 2018.

3. The pivotal question raised in present O.A. is covered by the averments contained in paragraph no.6(1) which reads read as under:-

"6.1] By a suitable order / direction, this Hon'ble Tribunal may be pleased to direct the Respondents to invoke the Doctrine of "similarly situated persons" and thus to extend in favour of the Petitioner the benefits of the decision of the Hon'ble Bombay High Court (Nagpur Bench) rendered in Writ Petition No.2046 of 2010 decided on 19.10.2013 and confirmed by the Hon'ble Supreme Court in Special Leave Petition [Civil] No.39014 of 2013 vide order dated 6.1.2015 vis-a-vis absorption of the services of the Petitioner in the post of Scientific Officer, from the initial date of the appointment or otherwise with all the consequential service benefits.

(Quoted from para no.6.1 page no.3 of the O.A.)

4. Tenure of service rendered by the Applicant is of 2 years and 11 months

5. The same point was urged in O.A.No.736/2018 with O.A.No.793/2018, and it is decided against applicants in said O.A. after discussion on merits. For the same reasons, as are recorded in judgment and order in O.A.Nos.736/2018 with O.A.No.793/2018 and in O.A.No.517 of 2018, present Original Application has no merit and is dismissed.

6. Interim relief order, if any, is stand vacated.

Sd/-

(A.H. Joshi, J.)
Chairman

prk