

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.830 OF 2018**

**(Subject : Continuation in service)**

Shri Avinash Machindra Gulve )  
Scientific Officer, Cyber Crime / Tape )  
In the office of Regional Forensic Science Laboratory, )  
Near Rajbhavan, Ganeshkhind, Pune 411 007 ) **....Applicant.**

**Versus**

1. The Director, )  
Directorate of Forensic Science Laboratories, )  
Maharashtra State, Home Department, )  
Vidyanagri, Hansbhugramarg, )  
Kalina Santacruz, Mumbai )  
2. The State of Maharashtra, )  
Through it Secretary, )  
Department of Home, )  
Mantralaya, Mumbai. ) **....Respondents**

Shri K.T. Pawar, 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 K.T. Pawar, 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. Tenure of service rendered by the Applicant is of 1 year and 11 months.
4. The pivotal question raised in present O.A. is covered by the averments contained in paragraph no.6(v) which reads read as under:-

“v) Applicants state and submit that, the Hon’ble High Court, Nagpur Bench by judgment and order dated 19.10.2013 directed Respondents to regularize the services of the Applicants therein and confer permanency of such Applicants who had completed 3 years service with artificial break and thereby partly allowed Writ Petition No.2046/2010, the services of the Applicants who were in continuous employment till 19.10.2013 were continued in service as regular employee for all other purpose except monetary purpose from the date of their first appointment. Annexed hereto and marked as **EXHIBIT ‘F’ COLLY** is the judgment and order dated 19.10.2013 passed by Hon’ble High Court, Nagpur Bench in Wp No.2046/2010 and Wp No.3849/2014 and 8118/2015, passed by High court, Aurangabad bench as well as judgment of Hon’ble supreme court passed in Civil Appeal No.18510/2017 on 13.09.2017.”

(Quoted from para no.6(v) pages no.8 & 9 of the O.A.)

5. In view that the same point was urged in O.A.Nos.736 of 2018, and it is decided. While deciding O.A.No.736 of 2018, for the same reasons, as recorded in judgment and order in O.A.Nos.736 of 2018 and O.A.No.793 of 2018, present Original Application is dismissed.
6. Interim relief order, if any, is stand vacated.

Sd/-

**(A.H. Joshi, J.)**  
**Chairman**

prk