

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.857 OF 2018

(Subject : Regularisation)

Madan Balu Sanap,)
R/o. A/2, 21, Shriram C.H.S.)
Kamgar Nagar, Kurla (E), Mumbai 24) **....Applicant**

Versus

1. The Director General (Judicial and Technical)/)
Director, The Directorate of Forensic Science)
Laboratories (M.S.) Home Department,)
Having office at Vidyanagari, Kalina,)
Santacruz (E), Mumbai 98.)

2. The State of Maharashtra,)
The Additional Chief Secretary,)
Home Department, having office at Mantralaya,)
Mumbai 400 032.)

....Respondents

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

Ms. S.P. Manchekar, the learned Chief Presenting Officer and Ms. N.G. Gohad, the learned 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 and Ms. N.G. Gohad, the learned 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 364 days.

4. 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 eh Respondents to invoke the Doctrine of “similarly situated persons” and thus to extend in favour of the Petitioner the benefits of the decision of 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-à-vis absorption of the services of the Petitioner in the post of Scientific Assistant, from the initial date of the appointment or otherwise with all the consequential service benefits.”

(Quoted from para no.6.1 pages no.2 & 3 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

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