

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**COMMON ORDER IN O.A. NOS. 659, 695, 674, 779, 683, 700, 670, 671, 672, 675,**  
**679, 680, 681 & 682 ALL OF 2017**

**(1) ORIGINAL APPLICATION NO. 659 OF 2017**

**DISTRICT : BEED**

1. Sunil S/o Manikrao Sakhare,  
Age. 53 years, Occ. Service,  
R/o District Malaria Office, Beed,  
Tal. & District Beed.
2. Sakharam S/o Raghuji Wanve,  
Age. 52 years, Occ. Service,  
R/o as above.
3. Ganpat S/o Sarjerao Wanve,  
Age. 43 years, Occ. Service,  
R/o as above.
4. Bhausahab S/o Bhagwanrao Rakh,  
Age. 43 years, Occ. Service,  
R/o as above.
5. Suresh S/o Uddhav Bangar,  
Age. 41 years, Occ. Service,  
R/o as above.
6. Mohan S/o Pandurang Nagare,  
Age. 43 years, Occ. Service,  
R/o as above.
7. Rajendra S/o Sundarrao Sanap,  
Age. 39 years, Occ. Service,  
R/o Government Ayurved  
Medical College, Osmanabad,  
Tal. & District Osmanabad.
8. Bhagwan S/o Namdeo Ugalmugale,  
Age. 34 years, Occ. Service,  
R/o Government Medical College,  
Aurangabad, District Aurangabad.
9. Balasaheb S/o Shamrao Jaybhaye,  
Age. 47 years, Occ. Service,  
R/o District Malaria Office,  
Ahmednagar, Dist. Ahmednagar.

10. Ashok S/o Lahanu Rakh,  
Age. 40 years, Occ. Service,  
R/o District Malaria Office,  
Ahmednagar, Dist. Ahmednagar.
11. Kailas S/o Ashruba Sonwane,  
Age. 45 years, Occ. Service,  
R/o as above.
12. Janardhan S/o Bhusaheb Bhosale,  
Age.52 years, Occ. Service,  
R/o as above.
13. Tukaram S/o Pandharinath Nanaware,  
Age. 40 years, Occ. Service,  
R/o as above.
14. Ashok S/o Tukaram Pawar,  
Age. 42 years, Occ. Service,  
R/o as above.
15. Lahu S/o Uttam Pandit,  
Age. 41 years, Occ. Service,  
R/o as above.
16. Vishnu S/o Sarjerao Sanap,  
Age. 45 years, Occ. Service,  
R/o District General Hospital,  
Gondiya, Dist. Gondiya.

.... **APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
General Administration Department,  
Mantralaya, Mumbai-32.
2. The District Collector, Beed.
3. The Additional Collector, Beed.

.... **RESPONDENTS**

**WITH**

**(2) ORIGINAL APPLICATION NO. 695 OF 2017**

**DISTRICT : BEED**

1. Rajabhau S/o Dnyanoba Sanap,

Age.46 years, Occ. Service as  
Ward boy (Kaksha Sevak)  
Dr. Bandorwala Leprosy Hospital,  
Kondhwa, Yevlewadi, Pune.

2. Balasaheb S/o Ashruba Wanve,  
Age.42 years, Occ. Govt. Service,  
R/o Quarter No. MD 26/25/02,  
Medical Campus, Ambajogai,  
Tal. Ambajogai, Dist. Beed.

.... **APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
General Administration Department,  
Mantralaya, Mumbai-32.
2. The District Collector, Beed.
3. The Additional Collector, Beed.

.... **RESPONDENTS**

**WITH**

**(3) ORIGINAL APPLICATION NO. 674 OF 2017**

**DISTRICT : BEED**

1. Bhaskar S/o Eknath Dhere,  
Age. 45 years, Occ. Service,  
R/o District Hospital, Osmanabad,  
Tal. & District Osmanabad.
2. Prakash S/o Ramkishan Aarsul,  
Age. 47 years, Occ. Govt. Service,  
R/o Sub District Hospital,  
Omerga, Tal. Omerga,  
District Osmanabad.

.... **APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
General Administration Department,  
Mantralaya, Mumbai-32.
2. The District Collector, Beed.

3. The Additional Collector, Beed.

.... **RESPONDENTS**

**WITH**

**(4) ORIGINAL APPLICATION NO. 779 OF 2017**

**DISTRICT : BEED**

Rahul S/o Dnyanoba Gaikwad,  
Age.34 years, Occ. Service as  
Sub Inspector, State Excise,  
Flying Squad, Jalna.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
General Administration Department,  
Mantralaya, Mumbai-32.
2. The District Collector, Beed.
3. The Additional Collector, Beed.
4. The Commissioner,  
State Excise, Maharashtra State,  
Mumbai.

.... **RESPONDENTS**

**WITH**

**(5) ORIGINAL APPLICATION NO. 683 OF 2017**

**DISTRICT : BEED**

1. Garkal Pralhad Bhimrao,  
Age.35 years, Occ. Service,  
R/o Gramin Rugnalaya Nandurghat,  
Tq. Kaij, Dist. Beed.
2. Maroti Raosaheb Rakh,  
Age. 46 years, Occ. Service,  
R/o PHC Patoda,  
Tq. Chalisgaon, Dist. Jalgaon.
3. Maharudra Lala Kirdat,  
Age.33 years, Occ. Service,
4. Prakash Raghunath Badage,  
Age. 52 years, Occ. Service,

5. Trupti Vijaykumar Tandale,  
Age.45 years, Occ. Service,  
R/o. Heramb Talve Nagar  
Behind Sai Angels English School  
Aurangabad Highway,  
Ahmednagar 414003
6. Dattatraya Shripati Sonawane,  
Age. 42 years, Occ. Service,  
R/o. PHC Anji,  
Tq. And Dist. Wardha.
7. Parmeshwar Bhanudas Jagtap,  
Age. 43 years, Occ. Service,
8. Hanumant Dnyanoba Tupe,  
Age.42 years, Occ. Service,
9. Sundarrao Dattatraya Badage,  
Age. 53 years, Occ. Service,
10. Yuvraj Raghunath Shinde,  
Age.41 years, Occ. Service,
11. Dwarka Subhsah Nagargoje,  
Age. 41 years, Occ. Service,
12. Ganesh Kisan Nagargoje,  
Age. 36 years, Occ. Service,  
R/o. Z P School Khadakwadi  
Post Chincholi, Tq. Ghansawangi,  
Dist. Jalna.
13. Sangita Vitthal Mule,  
Age. 37 years, Occ. Service,
14. Sanjay Jyotiba Bhosle,  
Age.42 years, Occ. Service,  
R/o. ZPPS Ragapur, Tq. Ashti,  
Dist. Beed.
15. Tatyasaheb Laxman Sambare,  
Age. 32 years, Occ. Service,
16. Ashok Nanabhau Arsul,  
Age. 34 years, Occ. Service,

(All Applicants No. 3, 4, 7, 8 to 11, 13,  
15, 16, 21 R/o C/o District Civil Hospital  
Beed, Dist. Beed.)

17. Ramrao Limbaji Bangar,  
Age. 42 years, Occ. Service,  
R/o Deputy Chief Auditor,  
Local Funds Accounting  
Kulkarni Compound,  
Near Dursanchar Office,  
Dr. Ambedkar Road, Ratnagiri,  
Dist. Ratnagiri.
18. Prabhakar Ramrao Wanve,  
Age. 45 years, Occ. Service,  
R/o. District Malaria Officer  
(Hiwatap Adhikari)  
District Civil Hospital, Ahmednagar,  
Dist. Ahmednagar.
19. Somnath Asaram Nande,  
Age. Major, Occ. Service,  
R/o. Office of Deputy Chief Auditor  
Beed, Dist. Beed.
20. Madhukar Tanhaji Sanap,  
Age. 50 years, Occ. Service  
(Dy Accountant)  
R/o. Flat No. B 502,  
Kisan Krupa Housing Society  
Near MHADA Colony, Morwadi,  
Pimpri, Pune 18.
21. Bhanudas Eknath Ugale,  
Age. 32 years, Occ. Service.

.... **APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through its Chief Secretary,  
Mantralaya, Mumbai-32.
2. The Collector,  
Collector Office, Beed,  
Tq. & Dist. Beed.

3. The Additional Collector, Beed.  
Tq. And Dist. Beed.

.... **RESPONDENTS**

**WITH**

**(6) ORIGINAL APPLICATION NO. 700 OF 2017**

**DISTRICT : BEED**

Amol Dadasaheb Jeve,  
Age.35 years, Occ. Service  
R/o. At Post Bogandla,  
Tq. Shriwardhan, Dist. Raigad.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Department of General Administration,  
Mantralaya, Mumbai-32.
2. The Collector,  
Collector Office, Beed,  
Tq. & Dist. Beed.
3. The Additional Collector, Beed.  
Tq. & Dist. Beed.

.... **RESPONDENTS**

**WITH**

**(7) ORIGINAL APPLICATION NO. 670 OF 2017**

**DISTRICT : BEED**

Baban S/o Raghunath Wanve,  
Age.55 years, Occ. Service,  
R/o. Raymoha, Tq. Shirur (Kasar),  
Dist. Beed  
At present Kaij, Tq. Kaij,  
Dist. Beed.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.

3. The Additional Collector, Beed.
4. The Director of Health Services,  
Health Department,  
Arogya Bhawan, St. George's  
Hospital Compound,  
P.D. Mellow Road, Mumbai.
5. The Dy. Director of Health Services,  
Latur Division, Latur.
6. The District Civil Surgeon,  
Beed.

.... **RESPONDENTS****WITH****(8) ORIGINAL APPLICATION NO. 671 OF 2017****DISTRICT : BEED**

Sukhdeo s/o Babasaheb Wanve,  
Age. 51 years, Occ. Service,  
R/o. Mahakala, Tq. Ambad,  
Dist. Jalna,  
At present Government Quarters,  
Government Hospital, Georai,  
Tq. Georai, Dist. Beed

.... **APPLICANT****VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.
3. The Additional Collector, Beed.
4. The Director of Health Services,  
Health Department,  
Arogya Bhawan,  
St. George's Hospital Compound,  
P.D. Mellow Road, Mumbai.
5. The Dy. Director of Health Services,  
Latur Division, Latur.



6. The District Civil Surgeon, Beed.

.... **RESPONDENTS**

**WITH**

**(9) ORIGINAL APPLICATION NO. 672 OF 2017**

**DISTRICT : BEED**

Jivan s/o Manikrao Choure,  
Age.35 years, Occ. Service,  
R/o. Khandala, Post. Morgao,  
Tq. & Dist. Beed,  
At present Gandhinagar, Swami Colony,  
Shital Building, Room No. 3,  
Ground Flower, Kolhapur,  
Tq. & Dist. Kolhapur

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.
3. The Additional Collector, Beed.
4. The Director of Health Services,  
Health Department,  
Arogya Bhawan,  
St. George's Hospital Compound,  
P.D. Mellow Road, Mumbai.
5. The District Malaria Officer,  
Tq. Pandharpur, Dist. Solapur.
6. The District Malaria Officer,  
Ta. & Dist. Kolhapur.

.... **RESPONDENTS**

**WITH**

**(10) ORIGINAL APPLICATION NO. 675 OF 2017**

**DISTRICT : BEED**

Chandu Rangnath Jaybhye,  
Age.41 years, Occ. Service,  
R/o. Khandala, Beed

Tq. & Dist. Beed  
At present Nerul, Sector-2,  
Amrapali Apartment, New Mumbai.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Finance Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.
3. The Additional Collector, Beed.
4. The Chief Auditor,  
Local Funds Audit, Maharashtra State,  
Kokan Bhavan, 6<sup>th</sup> Floor, New Mumbai.

.... **RESPONDENTS**

**WITH**

**(11) ORIGINAL APPLICATION NO. 679 OF 2017**

**DISTRICT : BEED**

Anil s/o Shivajirao Navale,  
Age.40 years, Occ. Service,  
R/o. Navjivan Shikshak Colony,  
Behind Bus Stand, Beed,  
Tq. & Dist. Beed  
At present Kaij, Tq. Kaij, Dist. Beed.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.
3. The Additional Collector, Beed.
4. The Director of Health Services,  
Health Department,  
Arogya Bhawan,  
St. George's Hospital Compound,  
P.D. Mellow Road, Mumbai.

5. The Dy. Director of Health Services,  
Latur, Division, Latur.

6. The District Civil Surgeon, Beed.

.... **RESPONDENTS**

**WITH**

**(12) ORIGINAL APPLICATION NO. 680 OF 2017**

**DISTRICT : BEED**

Maharudra s/o Babasaheb Wanve,  
Age.41 years, Occ. Service,  
R/o. Government Quarters,  
Government Hospital, Beed,  
Tq. & Dist. Beed.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.

2. The Collector, Beed.

3. The Additional Collector, Beed.

4. The Director of Health Services,  
Health Department,  
Arogya Bhawan,  
St. George's Hospital Compound,  
P.D. Mellow Road, Mumbai.

5. The Dy. Director of Health Services,  
Latur, Division, Latur.

6. The District Civil Surgeon, Beed.

.... **RESPONDENTS**

**WITH**

**(13) ORIGINAL APPLICATION NO. 681 OF 2017**

**DISTRICT : BEED**

Rajratan s/o Shrimantrao Jaybhaye,  
Age.39 years, Occ. Service,  
R/o. Khandala, Tq. & Dist. Beed.

.... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.
3. The Additional Collector, Beed.
4. The Director of Health Services,  
Health Department,  
Arogya Bhawan,  
St. George's Hospital Compound,  
P.D. Mellow Road, Mumbai.
5. The Dy. Director of Health Services,  
Latur, Division, Latur.
6. The District Civil Surgeon, Beed.

.... **RESPONDENTS****WITH****(14) ORIGINAL APPLICATION NO. 682 OF 2017****DISTRICT : BEED**

Satish S/o Narayan Bhandwalkar,  
Age.42 years, Occ. Service,  
R/o. Swami Samarth Colony,  
Swaraj Nagar, Beed,  
Tq. & Dist. Beed.

.... **APPLICANT****VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Collector, Beed.
3. The Additional Collector, Beed.
4. The Director of Health Services,  
Health Department,  
Arogya Bhawan,  
St. George's Hospital Compound,  
P.D. Mellow Road, Mumbai.
5. The Dy. Director of Health Services,  
Latur, Division, Latur.

6. The District Civil Surgeon, Beed.

.... **RESPONDENTS**

APPEARANCE :-

Shri S.S. Thombre, the learned Advocate for the Applicants in O.A.Nos. 659, 695, 674 & 779 of 2017.

Shri M.L. Muthal, the learned Advocate for the Applicants in O.A.Nos.683 & 700 of 2017.

Shri A.R. Tapse, the learned Advocate for the Applicants in O.A. nos. 670, 671, 672, 675, 679, 680, 681 & 682 of 2017.

Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in all these matters.

**CORAM** : **SHRI JUSTICE A.H. JOSHI, CHAIRMAN**  
**SHRI ATUL RAJ CHADHA, MEMBER (A)**

**RESERVED ON** : 07.04.2018.

**PRONOUNCED ON** : 25.04.2018.

**PER** : **SHRI JUSTICE A.H. JOSHI, CHAIRMAN**

#### **J U D G M E N T**

1. Heard Shri S.S. Thombre, the learned Advocate for the Applicants in O.A. Nos.659, 695, 674 & 779/2017, Shri M.L. Muthal, the learned Advocate for the Applicants in O.A.No.683 & 700/2017 and Shri A.R. Tapse, the learned Advocate for the Applicants in O.A.Nos.670, 671, 672, 675, 679, 680, 681 & 682/2017 and Smt. Priya R. Bharaswadkar, the learned Presenting Officer for the respondents in all these matters.

2. O.A.No.659 of 2017 and the group of other Original Applications are heard together.

3. Common admitted facts in present group of Original Applications are as follows :-

(a) The applicants are the nominees of persons, who had received "sanmanpatra" certificate and pension as freedom fighter of Hyderabad Mukti Sangram furtherance to policy of Government.

- (b) Based on their nomination, applicants were appointed in the employment of the State Government on different posts in different departments.
- (c) Large number of complaints were received by the State Government to the effect that the claims of most of the persons who had received Sanmanpatra as Swatantraya Sainiks of Hyderabad Mukti Sangram were false, bogus, and were obtained by them fraudulently.
- (d) Justice M.R. Mane Committee was appointed to enquire into the complaints. The said Committee furnished its report. The report of Justice M.R. Mane committee was set aside by the Hon'ble Supreme Court by the judgment dated 02.08.2005 in Civil Appeal Nos. 5162 to 5167 of 2005 arising out of S.L.P. Nos. 11344 and 11348 of 2004, and One Man Commission of Justice A.B. Palkar was appointed and cases of 355 sanmanpatra holders of Hyderabad Mukti Sangram were examined for finding truthfulness thereof.
- (e) Justice A.B. Palkar Committee conducted a detailed enquiry, in which it received voluminous evidence, and gave personal hearing to sanmanpatra holders, the legal heirs of Sanman Patra holders and some nominees of Sanman Patra holders. After completing the enquiry, Justice Palkar committee has furnished its report in multiple volumes.
- (f) The decision of Justice Palkar Committee was challenged before the Hon'ble High Court by filing writ petitions by various sanmanpatra holders. (Writ Petition No.2106/2008 and others). These Writ Petitions were decided by Hon'ble High Court by judgment and order dated 14.10.2011. The writ petitions were dismissed upholding the recommendations of Justice Palkar Committee.
- (g) Judgment of Hon'ble High Court rendered in writ petition no. 2106/2008 dated 14.10.2011 was challenged before the Hon'ble Supreme Court in Civil Appeal Nos. 10624 to 10636/2013. The said S.L.Ps. have been partly allowed by order dated 25.11.2013. The operative part of the order of Hon'ble Supreme Court in said Civil Appeal Nos.10624 to 10363 of 2013 dated 25.11.2013 reads thus :-

“7. Accordingly, we allow these appeals and set aside the impugned judgment and order passed by the High Court. We further direct that the pensionary benefits granted by the State Government will enure

only to the benefit of the appellants and not to their legal heirs/representatives. After the bereavement of the appellant(s), the pensionary benefit so granted by the State Government will come to an end.

8. Since we have decided these appeals purely on facts and circumstances of each case, we clarify that this order shall not be treated as a precedent in any other case.

9. We quantify the arrears from the date of cancellation of the pensionary benefits till date at Rs. 3,000/- each payable to the appellants within three months from the date of receipt of a copy of this Court's order. No order as to cost."

(Quoted paragraph from C.A.Nos.10624 to 10363/2013)

- (h) Some of sanmanpatra holders, who had not joined in earlier Civil Appeal Nos.10624-10636/2013 filed another S.L.Ps. bearing Civil Appeal Nos.10237-38/2016 with 10239-10280/2016. These S.L.Ps. were also partly allowed with same operative order as in earlier Civil Appeals.
- (i) Government of Maharashtra accepted the report and recommendation contained in the report of Justice Palekar committee, as modified by Hon'ble Supreme Court in order dated 25.11.2013, and the Government of Maharashtra issued decision dated 11.02.2014.
- (j) Few nominees of Sanmanpatra holders challenged the Government decision dated 11.02.2014, by filing various Writ Petitions.
- (k) In these Writ Petitions prayer was for quashment of G.R. dated 11.02.2014 in its entirety. Most of petitioners were nominees of sanmanpatra holders, because result of the Government decision ultimately which could ultimately follow is of an axe to fall on their employment.
- (l) The Writ Petition bearing No.2998/2014 was accompanied by group of Writ Petitions and was heard by the Division Bench of Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad (Coram Justice R.M. Borde and Justice A.M. Badar) and was decided by judgment and order dated 17.04.2014.
- (m) Hon'ble High Court has decided the Writ Petition No. 2998/2014 and other Writ Petitions with common judgment. The observations contained in paragraph 20, text whereof reads thus :-

"20. ....

.....  
It would be open for the petitioners to claim entitlement to service protection and it would be open for the concerned authorities to consider the contentions of the petitioners in the light of submissions made before the appointing authority in reply to the notices issued to each of the petitioners. The appointing authority as well as State Government would be entitled to take appropriate decision in the matter in the light of the facts and submissions of the petitioner.”

(Quoted from page 100 of O.A.No.659/2017)

- (n) After this judgment of Hon'ble High Court in Writ Petition No.2998/2014 and the group including Writ Petition No.1909/2014 dated 17.04.2014, the impugned order is passed by the Collector, Beed, which is dated 06.09.2017.
  - (o) The present group of Original Applications arises out of the said order dated 06.09.2017, (Annexure A pages 109 to 119 in O.A.No.659/2017).
  - (p) Though prayers in various matters do vary to some extent, those are concurrent on the point that the order passed by Collector Beed on 06.09.2017 thereby cancelling / annulling the nomination by sanmanpatra holders, be declared to be illegal etc. with further prayer to protect the services of the applicants in view of the observations of Hon'ble High Court contained in judgment dated 17.04.2014 in Writ Petition No.2998/2014 and accompanying Writ Petitions.
4. Heard both sides at considerable length.
5. Facts which crystalize after hearing are culled as follows:-
- (i) Order of Collector, Beed dated 6.9.2017 is based on the G.R. dated 11.2.2014.
  - (ii) The decision rendered by Hon'ble High Court in Writ Petition No.2998 / 2014 and the group including Writ Petition No.1909/2014 has attained finality as said Judgment of Hon'ble High Court has not been challenged & reversed nor is reviewed by Hon'ble High Court.
  - (iii) Order passed by Hon'ble High Court rendered in Writ Petition No.2106/2008 and other group of Writ Petitions on 14.10.2011 is set aside to the extent as narrated / quoted in foregoing para 3 (g) only.
  - (iv) Hon'ble Supreme Court did not quash, set aside or dilute in either way the decision / report and all other recommendations of Justice Palkar Committee.



- (v) In no way Hon'ble Supreme Court has restored their status as freedom fighters of Hyderabad Mukti Sangram, and in the result emerging from the status as freedom fighters had in fact in law withered away / evaporated.
- (vi) Restoration of pension is not done in the nature of conferment of right, but is conferred in the nature of 'alms'.

6. In the above premises, applicants' claim and contention that the legality of cancellation of nomination done through collector's impugned order dated 06.09.2017 is to be examined.

7. In fact, once the potency of sanmanpatra is taken away, the privilege or special right conferred on the sanmanpatra holders to nominate a child or dependent for employment in the Government ceases to exist.

8. The findings recorded in the report of Justice Palkar Committee have now attained finality by application of principle of resjudicata or constructive resjudicata due to the order passed by Hon'ble Supreme Court's rendered in S.L.P. Civil Appeal Nos. 10624 to 10636/2013 referred in foregoing paragraphs.

9. Whatever action the Collector Beed has taken is barely to implement the G.R. dated 11.02.2014 based on Justice Palkar Committee's report.

10. Now what is under challenge in present O.As. is the question governed by clause Nos.2 & 3 as regards the directions contained in the Government decision dated 11.02.2014. These two clauses read as follows :-

- “२. वरील सर्व बोगस स्वातांय सैनिकांच्या पाल्यांना देण्यात आलेली नागनिर्देशने रद्द करावीत.  
३. या २९८ बोगस स्वातांय सैनिकांच्या ज्या पाल्यांना नोक-या देण्यात आलेल्या आहेत, त्यांना त्यांचे म्हणणे मांडण्याची संधी नियुक्ती प्राधिका-यांनी द्यावी व त्यांना सेवेतून कमी करावे.  
ज्या प्रकरणी शासन नियुक्ती प्राधिकारी आहे त्या प्रकरणी संपूर्ण तपशीलासह संबंधित प्रशासकीय विभागाकडे पुढील कार्यवाहीसाठी संदर्भ करावा.”

(Quoted from Exhibit A.4 page 63 of O.A. 659/2017)

11. As is seen from paras 2 & 3 quoted hereinabove, the Govt. clearly means and understands that cancellation of nomination is one action, while termination of services is another which is yet to be taken. One action may follow another, but not

that those are one and the same. Once Justice Palkar Committee's report merges in the judgment of Hon'ble High Court and at Hon'ble Supreme Court, and said report as modified by Hon'ble Supreme Court by necessary implications, is accepted by the Government. It is seen that the Government has decided through decision dated 11.02.2014 to act upon recommendations of Justice Palkar Committee, as it stood modified due to judgment of Hon'ble Supreme Court.

12. It is evident from the language employed in paragraph No.3 of Government's decision dated 11.02.2014 that Government means and intends to give to the nominees of these sanmanpatra holders, a notice of show cause and desires that only thereafter a decision whether to protect their employment or decline, be taken.

13. The learned P.O. has pointed out from the reply of the State in O.A.No. 659/2017 an averment contained in paragraph No.23 page 136 as follows :-

"23. ....  
 .....  
 Respondent no. 3 in his order has only cancelled nomination and no objection certificates. Concerned Appointing Authority is having administrative powers to take decision regarding service of applicants, after giving proper notices and opportunity to be heard."

(Quoted from page 136 of O.A.No.659/2017)

14. If the averment quoted in foregoing para read in conjecture with para 3 which is part of Government decision dated 11.2.2014 hearing has to precede a decision if any to be taken to dispense with service of nominees.

15. Question as to whether employment of nominees is yet to be decided by the appointing authority in case of each candidate. The matter as to whether services should be protected for reasons whatsoever and if available in law, is yet an open chapter, and any decision on the point of termination is not yet a concluded matter nor it can be preempted.

16. Paragraph 2 of order impugned is nothing but execution of the Government's decision dated 11.02.2014 which has attained finality due to merger in the judgment in Writ Petition No.2998 of 2014 with other Petitions.

17. In the premises discussed in foregoing paras, we reach at following conclusions :-

- (a) Cancellation of certificate is a fall out of long process of litigation and merger and partial modification of report of Justice Palkar Commission in to the order of Hon'ble Supreme Court's decision rendered in S.L.P. Civil Appeal Nos.10624 to 10636/2013.
- (b) Hence, present Original Applications has no merit in so far as challenge to impugned Govt. decision is concerned.
- (c) In so far as protection at services of applicants are concerned, present O.As. are premature.
- (d) The Government / appointing authority has to take decision regarding issuing of notices to the applicants, giving them reasonable time to reply, consider each individuals' reply and take decision thereafter.
- (e) The step of issuing notice of show cause and hearing be completed within three months to prevent the Treasury being defrauded through salaries of unauthorized entrants in Government service unless for any other legal grounds the nominees are found eligible for absorption / retention in the employment of the Government.
- (f) Applicant's prayer for protection of their service is concerned is left open being, premature.

18. For the above reasons, present Original Applications devoid of merit. Hence, all the Original Applications are dismissed.

19. Parties shall bear own costs.

**(ATUL RAJ CHADHA)**  
**MEMBER (A)**

**(A.H. JOSHI, J)**  
**CHAIRMAN**

**Place : Aurangabad.**

**Date : 25.4.2018**