

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
REVIEW APPLICATION NO 10 OF 2019
IN
ORIGINAL APPLICATION NO 704 OF 2017

DISTRICT : AKOLA

Dr (Mrs.) Nita Vijay Godhole (Kinhikar))
10-11, Venkatesh Nagar,)
Murtizapur Road, Akola 444 004.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Agriculture, Animal Husbandry,)
Dairy Development & Fisheries,)
Mantralaya, Mumbai 400 032.)
2. The Secretary,)
Maharashtra Public Service)
Commission,)
Cooperage Telephone Exchange Bld)
M.K Road, Mumbai 400 021.)
3. Shri Prashant R. Dharmadhikari,)
Regional Joint Commissioner,)
Animal Husbandry, Opp. Spicer)
College, Aundh, Pune-7.)
4. Dr Arun P. Deshpande,)
Institute of Vety Biological Products)
Aundh, Pune-7, R/o: F-8,)

- Samarth Park CHS,)
 Near Shivpushpa Chowk,)
 Anandnagar, Sinhagad Road,)
 Pune – 51.)
5. Dr Bhagwat V. Deshmukh,)
 Office of Regional Disease)
 Investigation Laboratory,)
 Aurangabad. R/o A-102,)
 Kasliwal Marvel [E], Satara Parisar,)
 Aurangabad.)...**Respondents**

Shri S.G Raoot, learned advocate for the Applicants.

Ms Swati Manchekaer, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)
Mrs Medha Gadgil (Member) (A)

DATE : 10.02.2022

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. In this Review Application, the applicants wants the order dated 21.6.2019 in O.A 704/2017 be reviewed.

2. Learned counsel for the applicants submit that the applicants who are working as Assistant Commissioner, Animal Husbandry and Fisheries Department have filed the Original Application claiming seniority and incidental service benefits. For the same reliefs the applicants have filed another Original

Application No. 662/2012. All the prayers were allowed by M.A.T, Nagpur Bench by order dated 6.1.2017.

3. Learned counsel for the applicants submitted that in fact for the purpose of the implementation of the said order of the Nagpur Bench, the applicants have filed Contempt Application No. 506/20127. Learned counsel for the applicants submitted that that the said Contempt Application is still pending before the M.A.T, Nagpur Bench.

4. Learned counsel for the applicants submitted that O.A 704/2017 was erroneously filed by the applicants on the wrong legal advice and the said Original Application was dismissed.

5. We have gone through the order which is the subject matter of the present Review Application and in para 5 of the said order we came across that there is reference of Original Application No. 662/2012 and the order passed therein by the M.A.T, Nagpur Bench. There is also reference of the Contempt Application No 46/2015 and also Civil Application No. 549/2016. However, there is no reference of the Contempt Application No. 506/2017.

6. Thus, the decision given in O.A 662/2012 was placed before the Tribunal, when O.A 704/2017 was finally heard and decided. The Tribunal has dismissed O.A 704/2017, mainly on the ground of non-joinder of the parties.

7. However, we make it clear that the O.A 704/2017 was dismissed on the ground of non-joinder of the parties and therefore the Contempt Application No. 506/2017 can be decided independently on the basis of the order passed by the Nagpur Bench. We, further make it clear that we are not aware whether

the Contempt Application No. 506/2017 is still pending. We have relied on the statement made at the Bar.

8. In view of the above, Review Application is not maintainable and the same is hereby dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.02.2022
Dictation taken by : A.K. Nair.

D:\Anil Nair\Judgments 1.2.2022,.R.A 10.19 in O.A 704.17, Review of Tribunal's order, Chairperson and Member, A