

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
REVIEW APPLICATION No. 02 of 2018
IN ORIGINAL APPLICATION No.390/2014 (S.B.)

Nitendra Kuwarchand Jain,
aged about 46 years, occupation service,
r/o Shriram Colony, Near Nag Temple, near Railway Station,
Akoli Road, Amravati (presently posted in the office of Sub-divisional
Engineer P.W.D. Sub-division, Morshi, District: Amravati.

Applicant.

Versus

- (1) The State of Maharashtra, through its Secretary, Department of Public works, Mantralaya, Mumbai -32.
- (2) The Superintending Engineer,
Public Works Circle, Amravati.

Respondents.

Shri S.M. Pande, Advocate for the applicant.
Shri A.M. Khadatkar, learned P.O. for the respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 18/08/2023.

J U D G M E N T

Heard S.M. Pande, learned counsel for the applicant and
Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The learned counsel for applicant has submitted that
O.A.Nos.758/2013,761/2013,762/2013 and 390/2014 were decided by
this Tribunal by common Judgment dated 18/01/2018. The learned
counsel for the applicant has submitted that the case of the applicant

in O.A.No.390/2014 was different. The claims of other applicants for absorbing them on the post of Civil Engineering Assistant were rejected, but the claim of the applicant was not rejected. He has pointed out prayers in the O.A. Prayer Clause-B reads as under –

“(9) (B) Direct the respondents to consider the case of applicant for being absorbed as Civil Engineering Assistant, as he is qualified and eligible in view of the Government Resolution dated 10/12/1993 (Annexure-A-7) within a prescribed period.”

3. This Tribunal has held that in all the O.As., the claims of the applicants were rightly rejected, because, they were not exempted from passing the qualifying examination. They had also not passed said examination. On that ground also the O.As. were dismissed.

4. The learned counsel for applicant has submitted that as per prayer Clause (B), the applicant prayed to consider his request by absorbing him as Civil Engineering Assistant as he is qualified and eligible in view of the G.R. dated 10/12/1993. This prayer appears to be not decided in the Judgment dated 18/01/2018.

5. The learned P.O. submits that there is no ground to review the application. There is no error in the Judgment. Hence, Review Application is liable to be dismissed.

6. From the perusal of prayer Clause(B) in the O.A.No.390/2014, it appears that the applicant prayed for direction to

the respondents to consider his case in view of the G.R. dated 10/12/1993. This prayer is not decided by this Tribunal. Hence, there is a mistake in the Judgment. Therefore, following order is passed –

ORDER

(i) Review Application is allowed.

(ii) The applicant is directed to make representation in respect of prayer Clause (B). After the representation, the respondents are directed to decide the same keeping in view the G.R. dated 10/12/1993.

(iii) No order as to costs.

Dated :- 18/08/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 18/08/2023.