MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

Review Appn. No.8/2012 in O.A. No.287/2012

Varsha Pandurang Mane,
Asstt. Geologist, Group-B,
R/o C/o Bhaskar Dhote Moreshwar Apartment,
Near Pooja Bakery, Arvi Road,
Wardha. ----------**Applicants.**

Versus

.1. State of Maharashtra,Through Secretary,
Water Supply and Sanitation Department,
Mantralaya, Mumbai.

2. The Director, Ground Water Survey and
Development Agency, Pune. ---------- **Respondents**

---

1. Shri M.M. Sudame , Advocate for the applicant.
2. Smt. S.C. Deshmukh, P.O. for the respondents.

CORAM :Hon'ble Shri Justice A.P. Deshpande : Vice -Chairman &
Hon'ble Shri B. Majumdar : Member (A)
DATE : 23/1/2013

ORDER **PER : VICE-CHAIRMAN**

Heard Shri Sudame, the ld. counsel for the applicant.

2. An affidavit-in-reply has been filed on behalf of the respondents .

3. By consent of the ld. counsel appearing for the respective parties, the Review Application is taken up for final hearing and disposal at admission stage.

4. The present Review application is filed in O.A. No. 287/2012, which came to be decided by a common judgment delivered in a group of O.As., dt. 12/10/2012. Perusal of the operative part of the judgment reveals that ~~the said~~ this O.A. has been dismissed.

5. It is categorically averred in the Review application that on the date on which the applicant was served with an order of termination from the post of Junior Geologist, he was not holding the said post . The applicant was selected by the MPSC for

appointment to the post of Asstt. Geologist and came to be appointed as such by an order dt. 21/11/2008. It is submitted that as the applicant was not holding the post of Junior Geologist but was holding the post of Asstt. Geologist, the applicant could not have been terminated from the post of Junior Geologist. It is also the case of the applicant that the applicant is similarly placed with one Dr. Yogendraprasad Dube who happened to be Applicant No. 1 in O.A. No.611/2012 . In para 2 of the affidavit-in-reply filed on behalf of the respondents, it is categorically admitted that the applicant's case is similar to that of Dr. Yogendraprasad Dube. The ld. counsel for the applicant candidly submits that though it was pleaded in the O.A. that the applicant was selected and appointed to the post of Asstt. Geologist, he could not have been terminated by the impugned order from the post of Junior Geologist, however the said fact was not brought to the notice of the Tribunal and as such O.A. No.287/2012 came to be dismissed. We have considered the case of Dr. Yogendraprasad Dube while dealing with O.A. No.611/2012, at internal page No. 65 of the judgment and held that his termination is illegal . As the case of the applicant is admittedly

similar to the case of Dr. Yogendraprasad Dube, the present Review Application has to be allowed , as the judgment reveals error apparent on the face of the record to the extent it relates to the present Applicant. As such the Review application is allowed. O.A. No. 287/2012 is allowed. The order of termination, terminating the services of the applicant is quashed and set aside. In view of allowing the Review application, correction be carried out in the Judgment by deleting the number of the present O.A. it being 287/2012 from Clause (b) of the operative part of the order. Review Application stands disposed of.

Sd/-

(B. Majumdar)
Member (A)

Sd/-

(A.P. Deshpande)
Vice-Chairman.

Skt.