

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
REVIEW APPLICATION NO. 08/2023
IN C.P.NO.84/2022
IN ORIGINAL APPLICATION NO.1016/2021(D.B.)

Kishor s/o. Haribhau Wasnik,
Aged about 41 years, Occu.:- Service,
R/o. Plot No. 14-A, Shubham Colony,
Waghapur Road, Near School of Scholars,
Yavatmal - 445001
E-mail: kishorwasnik9@gmail.com
Mobile No.-7588590127
Aadhar No. 9944 4919 5882.

Applicant.

Versus

1. Shri. Kisan S/o Shamrao Mule
Aged about 55, Occ. : Divisional Joint Director,
Amravati, Amravati Division, Amravati,
Krushak Bhawan, University Road,
Amravati - 444602
E-mail Id :- jdaamravati11@gmail.com
2. Shri. Umesh Shivcharan Gajbhiye
Aged about 51, Occ.: Administrative Officer
of Divisional Joint Director of Agriculture,
Amravati Division, Amravati,
Krushak Bhawan, University Road,
Amravati - 444602
E-mail Id :- jdaamravatill@gmail.com
3. State of Maharashtra through Secretary,
Deptt. Of Agriculture,
Mantralaya, Mumbai-32

Respondents

Smt. S.W.Deshpande, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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

Dated: - 27th April, 2023.

With

REVIEW APPLICATION NO. 09/2023

IN C.P.NO.85/2022

IN ORIGINAL APPLICATION NO.974/2021(D.B.)

Bhalchandra S/o Deorao Kuldipake,
Aged about 43 years, Occu.:- Service,
R/o C/o Shri. Baban Dande,
Suresh Nagar, Dhamangaon Raod,
Yavatmal. Mo. 9420020610.

Applicant.

Versus

1. Shri. Kisan S/o Shamrao Mule
Aged about 55,
Occ.: Divisional Joint Director,
Amravati, Amravati Division, Amravati,
Krushak Bhawan, University Road,
Amravati - 444602
E-mail Id :- jdaamravati11@gmail.com
2. Shri. Umesh Shivcharan Gajbhiye,
Aged about 51, Occ.: Administrative Officer
of Divisional Joint Director of Agriculture,
Amravati Division, Amravati,
Krushak Bhawan, University Road,
Amravati - 444602
E-mail Id :- jdaamravatil1@gmail.com

3. State of Maharashtra through Secretary,
Deptt. Of Agriculture,
Mantralaya, Mumbai-32

Respondents

Smt. S.W.Deshpande, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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

Dated: - 27th April, 2023.

COMMON JUDGMENT

Heard Smt.S.W.Deshpande, learned counsel for the applicant and Shri A.M.Ghogre, learned P.O. for the Respondents.

2. Learned P.O. has filed orders dated 07.12.2022 and 10.10.2022. It is marked Exhibit-X and X-1 for the purpose of identification. Learned counsel for the applicants has submitted that both the orders are not served. Both the review applications are filed against order of this Tribunal in Contempt Petition No.84/2022 in O.A. No. 1016/2021 and Contempt Petition No. 85/2022 in O.A. No. 974/2021, dated 19.01.2023. Now this Tribunal has to decide as to whether the order passed by the Tribunal in Contempt is prima facie incorrect or illegal.

3. Heard Smt.S.W.Deshpande, learned counsel for the applicants. She has pointed out the order dated 19.01.2023 in both the Contempt Petitions. She has submitted that this order is erroneous because the

applicants were not relieved. She has pointed out receipt dated 06.04.2023 issued by Sub Divisional Agricultural Officer, Darvha. Learned counsel for the applicant has submitted that this letter shows that applicants were never relieved and joined. The applicants were not given the copy of reinstatement.

4. Learned counsel for the applicants has further submitted that against the order dated 19.01.2023, both the applicant Kishor H. Wasnik has filed Writ Petition No. 895/2023 and the applicant Bhanchandra D. Kuldipake has filed Writ Petition No. 896/2023 before the Hon'ble Bombay High Court Bench at Nagpur. The order was passed by the Hon'ble High Court on 08.02.2023. Learned counsel for the applicants has submitted that applicants were directed by the Hon'ble High Court to seek alternative remedy.

5. Learned P.O. has pointed out the order dated 07.12.2022 in case of Kishor Haribhau Wasnik and order dated 10.10.2022 in case of Bhalchandra D. Kuldipake. Learned counsel for the applicants has submitted that both applicants were reinstated and they were directed to join at Dhamangaon Railway and Manora respectively, but they have not joined.

7. Learned counsel for the applicants submits that as per letter/receipt given by Sub-Divisional Agricultural Officer, Darvha, they were not relieved and they were not served the copies of reinstatement.

8. The letter/receipt issued by Sub-Divisional Agricultural Officer, Darvha dated 06.04.2023 shows that the applicant Kishor Haribhau Wasnik was working, but he was not served the reinstatement order.

9. This Tribunal need not to go into the detail. This Tribunal has only to see as to whether the review applications are maintainable or not. The order dated 19.01.2023 was passed in both the Contempt Petitions in presence of Ld. Advocate for applicants, Shri A.M.Khadatkar and Ld. P.O., Shri A.M.Ghogle. In para 2, the following order was passed.

“2. The Id. P.O. has filed reply of R-1&2 on record and submits that the order has already been complied. Along with reply, the Id. P.O. has attached order of revocation of suspension of the applicant vide order dated 10/12/2022 issued by the Divisional Agriculture Joint Director, Amravati.”

10. This order was challenged before the Hon’ble Bombay High Court, Bench at Nagpur in Writ Petition Nos. 895/2023 and 896/2023. The Hon’ble High Court has passed the following order.

2. Since, it is the contention of the learned counsel for the petitioner that the impugned order disposing of the Contempt Petition has been passed by the Maharashtra Administrative Tribunal, without ascertaining the factual

position, the factual position being the order dated 10.12.2022 having been never served upon the petitioner, the appropriate remedy for the petitioner would be to file a review application before the Tribunal, if that is permissible in law. But, till the time, such an attempt is not made by the petitioner, we do not think that this writ petition would be maintainable before this Court. Accordingly relegating the petitioner, to the possible alternate remedy, if any, in the matter, the writ petition is disposed of. No costs.

11. Both applicants are reinstated in service by revoking order of suspension. Order of this Tribunal is complied. Hence, Contempt Petitions were disposed of.

12. The Principle for review is that the prima facie order should be incorrect or illegal. On the perusal of the order dated 19.01.2023, it is clear that there is no mistake or error while passing the order dated 19.01.2023. Therefore, review applications are not tenable. Hence, the following order-

ORDER

- i) The Review application Nos.08/2023 and 09/2023 **are dismissed with no order as to costs.**
- ii) The applicants are at liberty to take any appropriate steps.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 27/04/2023
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 27/04/2023.