

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5594 OF 2003

NITIN CHABURAO PATOLE
VERSUS
STATE OF MAHA & ANR

...
Advocate for Petitioner : Mr. Rajendra S Deshmukh
AGP for Respondents: Mr. S.R. Palnitkar
.....

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 26th FEBRUARY, 2015

P.C. :-

1. This petition challenges the judgment and order dated 28.3.2003, passed by the learned Member, Maharashtra Administrative Tribunal, Bench at Aurangabad, in Original Application No. 140 of 2001. The petitioner was appointed as a clerk-cum-typist by an oral order of the Secretary to Justice Mane Enquiry Commission, on 27.12.1999. The Secretary of the Commission kept writing letters to the Government to accord sanction for such appointment w.e.f. 27.12.1999. The Government did not accord sanction for such appointment. Ultimately, the Government issued necessary directions and the petitioner was appointed on 1.10.2000. The petitioner thus, rendered services without any formal appointment and salary for the period between 27.12.1999 to

30.9.2000.

2. The petitioner approached the Maharashtra Administrative Tribunal for getting salary for the period from 27.12.2009 to 30.9.2000 but the learned Member rightly rejected his claim on the ground that if the petitioner was not formally appointed prior to 1.10.2000, he was not entitled to any service benefits. We find no error in this order.

3. The petition therefore would not succeed and the same is accordingly dismissed. Rule discharged.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

rlj/