

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 5743 OF 2016

Dilip S/o Dnyandeo Phulpagar
and others

..PETITIONERS

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

WITH

WRIT PETITION NO. 6081 OF 2016

Bhaskar S/o Karbhari Rahane
and others

..PETITIONERS

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

WITH

WRIT PETITION NO. 6076 OF 2016

Subhash Kashinath Waghchaure
and another

..PETITIONERS

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

**WITH
WRIT PETITION NO. 5714 OF 2016**

Sanjay Shamrao Patil
and another.

..PETITIONERS

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

**WITH
WRIT PETITION NO. 5715 OF 2016**

Ramdas Baliram Shinde
and others

..PETITIONERS

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

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Mr. V.J. Dixit, Senior Counsel a/w Mr.S.V.
Dixit, Advocate for the petitioners.

Mr. S.D. Kaldade and Mr. P.N. Kutti, A.G.Ps.
for Respondent/State

Mrs. Dr. Kalpalata Patil — Bharswadkar,
Advocate for Respondents.

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**WITH
WRIT PETITION NO. 5440 OF 2016**

Pravin Naval Deore

..PETITIONER

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

**WITH
WRIT PETITION NO. 5474 OF 2016**

Ganesh Sitaram Baviskar

..PETITIONER

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

**WITH
WRIT PETITION NO. 5475 OF 2016**

Sudhir Shivaji Ishi

..PETITIONER

-VERSUS-

The State of Maharashtra
and others.

..RESPONDENTS

....

Mrs. Dr. Kalpalata Patil — Bharswadkar,
Advocate for petitioners.

Mr. S.D. Kaldate and Mr. P.N. Kutti, A.G.Ps.
for Respondent/State

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: JULY 14, 2016

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ORAL ORDER :-

All these Writ Petitions are arising
out of the interim orders passed by the
Maharashtra Administrative Tribunal on 28th
April, 2016, 9th May, 2016, 10th May, 2016 and
17th May, 2016 respectively.

2. On perusal of the order passed by the Division Bench of the Maharashtra Administrative Tribunal, which is placed on record at Exhibit 'P-2' of the compilation of the Writ Petition No. 5743 of 2016, it appears that the Division Bench did consider the arguments made by the learned counsel appearing for the parties for interim relief. It was brought to the notice of the Division Bench that at the relevant time, certain employees had been reverted. The Division Bench, after hearing the parties in the Original Application No. 361 of 2016, issued notices to the Respondents returnable on 1st July, 2016 making it clear that the Tribunal might take the case for final disposal at the admission stage, and a separate notice for final disposal would not be issued. However, it appears that the Division Bench of the Tribunal did not pass any interim order.

3. It appears from the record that the learned Single Member of the Tribunal on 28th April, 2016, who was a member in the Division Bench which passed the order on 5th May, 2016, relying upon the oral submissions made across the Bar stayed the reversion order dated 22nd April, 2016, which was issued on 26th April, 2016 by Respondent no.3 to the extent of applicants in Misc. Applications. Admittedly on the date on which the learned Single Member of the Maharashtra Administrative Tribunal passed the interim order, there was no amendment carried out and the learned Member proceeded to grant interim relief on the basis of the submissions made across the Bar. It appears from perusal of para 17 of the said order that the Presiding Officer appearing for the Respondent/State and State Authorities argued that as a matter of fact the reversion order dated 22nd April, 2016 has not been challenged by the

applicants, however, the Maharashtra Administrative Tribunal observed that the said objection cannot be considered for the simple reason that in the Original Applications, the applicants apprehended adverse action against them and, therefore, they claimed interim relief thereby restraining the respondents from taking action on the basis of revised seniority lists.

4. The learned counsel appearing for the contesting respondents vehemently argued that the Misc. Applications were already filed by the applicants challenging the reversion order dated 22nd April, 2016. As seen from the documents placed on record on the date of passing the order by the learned Single Member of the Tribunal i.e. on 28th April, 2016, there was no challenge to the actual order of reversion and it appears that

subsequently the amendments have been carried out on 5th May, 2016.

5. In these Petitions, in substance, the interim orders passed by the Maharashtra Administrative Tribunal have been challenged. In some of the Writ Petitions, the impugned interim orders of Maharashtra Administrative Tribunal have been passed relying upon the order passed by the Single Member of the Maharashtra Administrative Tribunal on 28th April, 2016.

6. All these Petitions were heard by the learned Judge during vacation, and the Vacation Court ordered the status-quo to be maintained by the parties as on the date of passing the order.

7. In three Writ Petitions i.e. Writ Petition Nos. 5440 of 2016, 5474 of 2016 and 5475/2016 exception is taken to the interim

order passed by the Division Bench of the Tribunal on 5th May, 2016, thereby refusing to grant interim order. In the said Petitions also the learned Judge sitting during Summer Vacation ordered status-quo to be maintained by the parties.

8. Upon considering the entire material placed on record and after hearing the learned counsel appearing for the parties, in our opinion, the controversy which goes to the root of the matter is pending before the Maharashtra Administrative Tribunal. The Maharashtra Administrative Tribunal has already indicated that all the Original Applications would be heard and decided at the admission stage and no separate notice would be issued for final hearing/disposal.

9. Be that as it may, in our considered view, the learned Single Member of the Maharashtra Administrative Tribunal, in the

absence of challenge to the actual reversion order should not have hurriedly proceeded to pass the interim order on 20th April, 2016. As already observed the Presiding Officer, who appeared for the State, had brought to the notice of the Tribunal that there was no formal application/amendment to the Original Applications praying stay to the reversion order.

10. It is also necessary to mention here that the Division Bench of the Maharashtra Administrative Tribunal on 5th May, 2016 did not consider the prayer of the petitioners in Writ Petition Nos. 5440 of 2016, 5474/2016 and 5475/2016 for interim relief seeking stay to the reversion orders. Therefore, it appears that the interim orders passed by the Maharashtra Administrative Tribunal in some of the matters granting relief and in similar matters refusing to grant interim relief created some confusion amongst the parties.

As a result, the petitioners in the respective Petitions have approached this Court and this Court ordered status-quo to be maintained.

11. If the Division Bench of the Maharashtra Administrative Tribunal is not available at Aurangabad, as rightly submitted by the learned counsel appearing for the respective parties that the parties are willing to workout the matters even before the Principal Seat of the Maharashtra Administrative Tribunal at Mumbai, all the original applications can be heard at the Principal Seat of Maharashtra Administrative Tribunal at Mumbai.

12. In the aforesaid background, in our considered view, the ends of justice would be met, in case the Maharashtra Administrative Tribunal hears all the Original Applications and decides the original applications as

expeditiously as possible, and preferably within 14 weeks from today, provided the learned counsel for the parties take up the matters before the appropriate Bench empowered to decide them finally.

13. In the result, all the Writ Petitions stand disposed of. The interim order to maintain status-quo already passed by this Court is made absolute and the said order shall remain in force, till the disposal of the Original Applications before the Maharashtra Administrative Tribunal.

14. The pending Civil Applications, if any, stand disposed of.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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