

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

907 REVIEW APPLICATION (CIVIL) NO. 97 OF 2017
IN CP/436/2014 WITH CP/427/2014 IN WP/10149/2010 WITH
CA/11175/2016 IN CP/436/2014

SHAIKH MOHAMMAD ATTAULLAH KHUDRATULLAH AND OTHERS
VERSUS
SANJAYKUMAR AND OTHERS

...
Advocate for Applicants : Mr. Pradeep Deshmukh
GP for Respondent/State : Mr. A.G. Girase
Advocate for Respondent 3 in CP : Mr. Alok Sharma
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : July 13, 2017.

ORDER :

. The application is filed for review of the order made by this Court on 14.2.2017 in Contempt Petition No.436/2014 (Writ Petition No10149/2010). Both the sides are heard.

2. This Court has considered every aspect of the matter including the direction given by the Apex Court to take all the similar matters together and have a decision of one bench which can be treated as the decision of the Court. In view of the decision given by the bench of this Court at Principal Seat, which is contrary to the decision given in favour of petitioners, this Court expressed that they need to wait for getting the benefits,

which they are claiming i.e. the implementation of everything from the date of initial appointment and regularisation of service from the date of appointment. This point cannot be reopened again and even if it is wrong decision, that decision can be challenged by the present applicants.

3. The learned counsel for the applicants/petitioners Shri. Deshmukh submitted that other ground, on other part of the order made by this Court by which the State was expected to start process to collect the data for giving benefit as per the order made in their favour is not complied with. It appears that mainly the benefit of Career Advancement Scheme ('CAS' for short) is involved in the matter, but for that there is different procedure as per CAS. It can be said that only the date can be collected, as per the data of initial appointment, which is the claim of the petitioners and that can be used if the decision of the Apex Court comes in favour of petitioners on that point. Though the proceeding in which relief is given to the petitioner is challenged in Supreme Court, this Court has already observed that decision in their favour cannot be implemented in view of the subsequent developments.

4. Shri. Girase, learned Government Pleader makes a statement that the data as per the claim, the benefits as per the date of initial appointment will be prepared. He makes a statement that the data will be collected within one month and the benefit of Government Resolution ('GR' for short) of 2013 will be given within 15 days from the date of supplying of information. He submitted that even for implementation of GR of 2013, the necessary information is not supplied by the petitioners. It is surprising that the petitioners have not supplied the information. They can get the benefit atleast of GR of 2013 and for that they need to supply information. That information will also be helpful in collecting the data for giving benefit of CAS. With these observations, the review application is disposed of as rejected.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/