

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.11636 OF 2015

State of Maharashtra & ors . Petitioner

vs

Dr.Shailesh Narayan Bhawe .. Respondents

Mr.S.H.Kankal Asst.Govt.Pleader for Petitioner.

CORAM: R.M.BORDE AND
A.S.GADKARI, JJ

DATE: 07 MARCH 2017

P.C.

1. The Petitioner is objecting to the order passed by Maharashtra Administrative Tribunal in Original Application No.1284 of 2009 decided on 4 March 2013. The Tribunal while allowing the Original Application has directed the Respondent-State to grant condonation of technical breaks and to release annual increments and earned leave benefits within the period specified in the order. The Tribunal has relied upon an earlier order passed in an identical Original Application Nos.149 of 2003 and 301 of 2003. The order passed in Original Application No.301/2003 was a subject matter of challenge in a Writ petition bearing No.3338 of 2005 presented by the State before the High Court Bench at Aurangabad. The Writ Petition

presented by the State has been dismissed by the Division bench of the Court at Aurangabad on 14 February 2011. It is observed in the Judgment that in identical matter ie. Original Application No.149 of 2003 similar reliefs was granted and the order passed by the Maharashtra Administrative Tribunal was a subject matter of challenge in a Writ Petition No.3484 of 2003. The High Court dismissed the Writ Petition by an order dated 27 November 2008. The matter was taken up to the Supreme Court by the State Government being Special Leave Petition Nos.18902-18915 of 2010. The Special Leave Petitions presented by the State Government have also been dismissed on the ground of delay as well as on merits. Considering the fact that issue raised in the petition has attained finality instant writ petition does not deserve to be entertained.

2. Writ Petition is devoid of merits and hence stands rejected.

(A.S.GADKARI, J)

(R.M.BORDE, J)