

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

41 WRIT PETITION NO. 4808 OF 2013

THE STATE OF MAH AND ORS ..PETITIONERS

VERSUS

VAISHALI BHAGWANTRAO BHAGWAT ..RESPONDENT

...

Mr. A. V. Gondhalekar, AGP for the Petitioner-
State.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 02nd JULY, 2018.

PER COURT:-

1. Mrs. Gondhalekar, learned Addl.G.P. submits that the Maharashtra Administrative Tribunal has not considered the merits of the matter in its correct perspective. The respondents have accepted the appointment order on Ad-hoc basis from time to time without any break. Once the appointment is on Ad-hoc basis, the respondent is not entitle for increments and also not entitle for the facility of earned leave. According to the learned Addl.G.P., the order is against the provisions of law and deserves to be set aside.

2. We have gone through the judgment delivered by the Maharashtra Administrative Tribunal. The Tribunal has relied on common judgment of this Court in writ petition no.3484 of

(2)

2005 with other connected writ petitions dated 27.11.2008 in respect of similarly situated employees who were appointed on Ad-hoc basis and were claiming the increments and benefits of leave encashment. It appears that, judgment of this Court in writ petition no.3484 of 2005 with other connected writ petitions dated 27.11.2008 has not been assailed by the State. The petitioners are similarly situated.

3. In view of that, the Tribunal has not committed any error in passing the order.

4. Writ petition is disposed of as such. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE