

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4403 OF 2017

The Chief Secretary,
Water Resources Department
and ors.

...Petitioners

Versus

Maharashtra Rajya Rekhachitra
Shakha Karmachari Sanghatana
Maharashtra Rajya and ors.

...Respondents

Mr. O.M. Kulkarni, AAGP for the Petitioners-State.

Mr. Sanjay Kshirsagar for Respondent Nos.1 to 11, 12-A, 13
and 14.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M. S. SONAK, J.**

DATE : 14th MARCH 2018

ORAL JUDGMENT :

1] Heard learned counsel for the parties.

2] Rule. With the consent of and at the request of
learned counsel for the parties, Rule is made returnable
forthwith.

3] The petitioners - State challenge the judgment and
order dated 22nd July 2016 made by the Maharashtra
Administrative Tribunal (MAT), Mumbai in O.A. No. 86 of

2014 instituted by the respondents seeking for benefits of modified Assured Career Progression Scheme (ACPS Scheme) and other consequential reliefs.

4] There is no dispute that the MAT, in O.A. Nos. 636, 733 and 599 of 2013 (Nagpur Bench) in virtually identical circumstances had granted relief to the original applicants, who were in an identical position as the present respondents (applicants in O.A. No. 86 of 2014). There is also no dispute that the Division Bench of this Court in case of ***State of Maharashtra and ors. Vs. Subhash E. Kawalkar and ors. - Writ Petition No. 6329 of 2015*** decided on 23rd November 2015, has, by a speaking order, upheld the judgment and order of the MAT in O.A.Nos.636, 733 and 599 of 2013. Since, the MAT has merely followed its judgment and order in O.A. Nos.636, 733 and 599 of 2013, which judgment and order stands upheld by the Division Bench of this court in its judgment and order dated 23rd November 2015, we cannot say that there is any jurisdictional error or perversity in the impugned judgment and order, so as to warrant interference with the same.

5] Mr. Kulkarni, learned AAGP for the petitioners- State, however, submits that the State has instituted a special leave petition against the judgment and order dated 23rd November 2015 in Writ Petition No. 6329 of 2015 and therefore, this petition may be admitted and entertained. As of today, the judgment and order dated 23rd November 2015 in Writ Petition No. 6329 of 2015 holds the field. The said judgment and order was undoubtedly binding upon the MAT. Therefore, if the MAT, has followed the said judgment and order, there is no case made out to interfere with the impugned judgment and order made by the MAT. There is also no ground urged or made out by the learned counsel for the petitioners to persuade us to take any different view from that which is taken by our coordinate bench in its judgment and order dated 23rd November 2015 in Writ Petition No. 6329 of 2015.

6] For the aforesaid reasons, we see no reason to interfere with the impugned judgment and order made by the MAT. This petition is therefore, dismissed. There shall however, be no order as to costs.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)