

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9092 OF 2015

WITH

CIVIL APPLICATION NO. 520 OF 2016

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Shalaja S. Malhar ... Respondent.

WITH

WRIT PETITION NO. 9204 OF 2015

The State of Maharashtra and ors. ... Petitioners.

V/s.

N. U. Bhatwadekar ... Respondent.

WITH

WRIT PETITION NO. 10801 OF 2018

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Margaret D. Simon ... Respondent.

WITH

WRIT PETITION NO. 10802 OF 2018

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Mangala S. Bhavsar ... Respondent.

WITH

WRIT PETITION NO. 10803 OF 2018

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Nepu G. Rai ... Respondent.

WITH

WRIT PETITION NO. 10804 OF 2018

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Mary Francis ... Respondent.

WITH**WRIT PETITION NO. 10805 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Usha P. Paradkar ... Respondent.

WITH**WRIT PETITION NO. 10806 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Puja V. Patankar ... Respondent.

WITH**WRIT PETITION NO. 10807 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Sulab V. Parab ... Respondent.

WITH**WRIT PETITION NO. 10808 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Shruti A. Gangan ... Respondent.

WITH**WRIT PETITION NO. 10809 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Meena D'Costa ... Respondent.

WITH**WRIT PETITION NO. 10810 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. Saramma Charian ... Respondent.

WITH**WRIT PETITION NO. 11416 OF 2018**

The State of Maharashtra and ors. ... Petitioners.

V/s.

Smt. P.K. Kulkarni and ors. ... Respondent.

Mr. N.K. Rajpurohit, AGP for the Petitioners in all the petitions.

Mr. G.S. Jadhav for the Respondent in WP/10805 and 10806/2018.

CORAM : A.S. OKA AND M.S. SONAK, JJ.
DATE : 8th OCTOBER 2018.

P.C.:

1] Heard the learned counsel appearing for the petitioners in all the petitions and the learned counsel appearing for the respondent in Writ Petition No. 10805 and 10806 of 2018.

2] Perusal of the impugned order shows that the same is based on the judgment and order dated 18th September 2002 passed by the Maharashtra Administrative Tribunal (for short “the Tribunal”) in Original Application No. 372 of 2002 (*Smt. Vimal Prabodh Pradhan Vs. State of Maharashtra and ors.*). It is mentioned in paragraph 26 that the said judgment and order dated 18th September 2002 was challenged by the State Government by filing Writ Petition No. 4223 of 2003 and that no interference was made with the judgment and order of the Tribunal by this Court. Based on the said judgment and order in Original Application No.372 of 2002, the impugned order partly allowing the Original Applications filed by the respondents has been passed by the Tribunal.

3] On the last occasion, we had granted time to the learned AGP representing the petitioners to take instructions whether the judgment of this Court in Writ Petition No. 4223 of 2003 was challenged before the Apex Court. However, he has not received any instructions.

4] There is no dispute that the cases of the respondents were covered by the said decision of the Tribunal in Original Application No. 372 of 2002. Unless, it is shown that the said judgment and order is either set aside or modified, these petitions cannot be entertained.

5] Accordingly, we reject all these petitions in view of confirmation by by this Court of the judgment and order dated 18th September 2002 passed by the Tribunal in Original Application No.372 of 2002.

6] We make it clear that in the event, it is found that the judgment of the Tribunal in Original Application No. 372 of 2002 is already reversed or modified, we permit the State Government to apply for restoration of these petitions.

7] Pending Civil Applications, if any, do not survive and the same are disposed of.

(M. S. SONAK, J.)

(A. S. OKA, J.)