

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.11585 OF 2015

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
BALAJI GYANOBA PHALKE AND ANOTHERS

...
AGP for Petitioners : Mr. A. V. Deshmukh.
Advocate for Respondent No.1 : Mr. J. S. Deshmukh.
Advocate for Respondent No.2 : Mr. A. D. Aghav.
...

**[CORAM : SUNIL P. DESHMUKH AND
SMT. VIBHA KANKANWADI, JJ.]**

DATE : 27th NOVEMBER, 2019.

PER COURT :

1. Heard learned counsel for the parties.
2. Present petition purports to take exception to a common order dated 10-12-2014 passed in a group of Original Applications bearing No.510/2013, 511/2013, 512/2013, 513/2013 514/2013, 515/2013, 516/2013, 517/2013, 518/2013, 519/2013 and 520/2013 passed by the Maharashtra Administrative Tribunal, Aurangabad Bench and there is no particular dispute on that, the original applicants' request for condonation of technical breaks and to extend benefits of increment and leave for the period of ad-hoc service had been allowed.

3. The State had earlier on preferred Writ petition bearing No.11611 of 2015 against said order in respect of Original application bearing No.517 of 2013. Division bench of this high court deciding aforesaid writ petition No.11611 of 2015 had observed that Maharashtra Administrative Tribunal had adopted a similar view in its decision in Original Application No.531 of 2013 and companion matters and said order had attained finality. The technical breaks are condoned only for the purposes of claiming increments and earned leave and not for the purposes of claiming seniority. It had further been observed that there is no inconsistency or irrationality in the view taken by the Tribunal. The writ petition accordingly had been dismissed.

4. Learned counsel for respondent points out that a challenge had been posed to similar order, rejecting writ petition No.3338 of 2005 and group of writ petitions passed on 14-02-2011 by high court before the Supreme Court under Special Leave Petition Nos.18902 to 18915 of 2010 and said Special Leave Petitions failed on the ground of delay as well as on laches.

5. An overbearing position emerges that the reasons which have weighed with this court in group of writ petitions bearing No.668 of

2011 and in writ petition No.11611 of 2015 coupled with recent orders passed in similar circumstances by another Division Bench of this court dated 23-11-2017 in a group of writ petitions bearing No.772 of 2016 and companion matters, endorsing orders in original applications are not liable to be faulted with. In view of reasons and considerations in aforesaid matters we deem it appropriate to follow the suit.

6. Writ petition, is devoid of substance and as such stands dismissed.

[SMT. VIBHA KANKANWADI]
JUDGE

[SUNIL P.DESHMUKH]
JUDGE

vjg/-.