

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.1743/2021

Swapnil S/o Bhaurao Salankar
..Vs..
State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Pavan S. Sahare, Advocate for the petitioner.
Shri A.A. Madiwale, A.G.P. for respondent Nos.1 and 2.
Shri Saurabh D. Yerawar, Advocate for respondent No.3.

CORAM :- SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.
DATED :- 19.7.2021.

Heard Shri P. S. Sahare and Shri A.A. Madiwale,
learned counsel and learned A.G.P. respectively for the
petitioner and respondent Nos.1 and 2.

2. The petitioner has approached this Court in a
service matter only because the Maharashtra
Administrative Tribunal by the order passed on 19.3.2021
has refused to take up the application for hearing filed by
the petitioner on the ground that no Division Bench is
available and the application would be taken up only
after the Division Bench is available. According to us, if
the Division Bench is not available, some alternate
arrangement in such cases is always made and on the last
date we had requested both sides to enlighten this Court

on the alternate arrangements made in this regard. But, neither Shri Sahare nor Shri Madiwale were in a position to assist the Court in this regard. Shri Madiwale, learned A.G.P. however, submits that he has sought telephonic guidance from Shri Shrikant Deo, Presiding Officer, the Maharashtra Administrative Tribunal, Nagpur and as per the guidance given by him, he submits that whenever the Division Bench is not available, the Single Bench has authority to hear the applications for admission and also decide the applications for grant of interim relief although the Single Bench cannot finally decide the matters pertaining to the Division Bench.

3. In the instant matter, we find that the Single Member of the Maharashtra Administrative Tribunal has refused to entertain the prayer of the petitioner for grant of interim relief or otherwise only on the ground that the Division Bench is not available. Going by the submissions made by Shri Madiwale, learned A.G.P. on behalf of respondent Nos.1 and 2, we find that the petitioner would have to once again approach the same Bench of Vice-Chairman and / or learned Single Member for hearing on admission and grant of interim relief or otherwise. Accordingly, we relegate the petitioner to the Maharashtra Administrative Tribunal, Nagpur by modifying the order dated 19.3.2021 and directing the Single Bench of Maharashtra Administrative Tribunal, Nagpur to hear the petitioner on admission and interim relief, if any, in accordance with law. The petitioner to appear before the Maharashtra Administrative Tribunal

on 26.7.2021. The petition is **disposed of** accordingly.
No costs.

JUDGE

JUDGE

Tambaskar.