

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO. 2815 OF 2020

SUNIL VITTHAL JAGTAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Avishkar S. Shelke
AGP for Respondent Nos. 1 to 4 : Mr. S.G. Sangle

...
CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.

DATE : 4th APRIL, 2022

PER COURT :-

1. The petitioner is working on daily wages from 01-01-1994 as a driver. He approached the learned Maharashtra Administrative Tribunal by putting forth prayer clauses “B”, “BB” and C” as under:

“(B) The impugned communication letter dated 2/9/2015 issued by the Resp. No. 2 forwarded to the Resp. No. 2 which is annexed at Exh.”A-25” of this Application may kindly be quashed and set aside.

(BB) The impugned communication letter dated 01-09-2015 communicated by the 2nd Respondent which is annexed at Exh.-25” of this application may kindly be quashed and set aside.

(C) Kindly be issued order or directions against the Respondents and specially to direct the Respondent No. 2 to forward correct appointment dated 1/1/1994 proposal of the Applicant for the regularization in service to the Resp. No. 1 for taking decision on regularization services of the applicant on permanent

post of Driver with Resp. No. 4 office.”

2. By the impugned order dated 13-01-2020, the learned Administrative Tribunal has concluded that the petitioner has challenged two communications and neither of them can be treated as being an order and as such he has not challenged any order before the Tribunal.

3. The grievance of the petitioner is that prayer clauses “C”, ”D” and “E” have been completely overlooked by the Tribunal and the impugned order has been passed.

4. We are of the view that the Tribunal should have considered the prayers made by the petitioner and should have dealt with each one of them, on their own merits. The petitioner has been working as a driver on daily wages and contends that even today he is working as a daily wager over the last about 28 years. As such, the prayers put forth by the petitioner have to be dealt with by the learned Tribunal.

5. This petition is partly allowed. The impugned order dated 13-01-2020 is quashed and set aside and the Original Application No. 944 of 2016 stands restored to the file of the learned Tribunal.

6. The petitioner and the respondents shall appear before the Tribunal on 21st April, 2022 and shall abide by the dates of hearing on which the matter would be posted by the Tribunal. We request the learned Tribunal to decide the said proceedings as expeditiously as possible and preferably on or before 30th August, 2022.

7. We make it clear that the impugned communication dated 02-09-2015 shall be considered by the learned Tribunal in the light of the averments, pleadings and the prayers of the petitioner.

(S.G. DIGE)
JUDGE

mtk

(RAVINDRA V. GHUGE)
JUDGE