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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

13 WRIT PETITION NO.7473 OF 2020

SANJAY RAJARAM RAJPUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr R. D. Biradar, Advocate for petitioners;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 to 3

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

DATE : 2nd May, 2022

PER COURT:

1. By an order dated 12/10/2020, the learned Single Judge Bench of the Maharashtra Administrative Tribunal, Aurangabad, rejected Original Application (st.) No.571/2020, filed by the present petitioners, for the reason set out in paragraph No.5, which reads as under :

“5. On perusal of record it reveals that the Applicants have challenged the seniority list as on 01.01.2020 in which the Applicants have been shown at Sr.Nos.373, 378 and 381. On perusal of remarks column of said seniority list, it reveals that the seniority of the Applicants has not been changed because of non passing the examination in given chances and within stipulated period. The Applicants have challenged the final seniority list in which their seniority has been

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changed and their juniors have been shown above them. But the Applicants have not made those Government servants whose names are above the Applicants as party to the O.A. Those Government Servants are necessary parties to the O.A. The O.A. cannot be decided effectively in their absence. It cannot be decided effectively without giving them an opportunity of hearing. Hence, the O.A. is not maintainable. Consequently, it deserves to be dismissed.”

2. When this Court took up this petition, noticing that there was non-joinder of necessary parties, the petitioners were permitted to add those employees as respondent Nos.4 to 22.

3. It is obvious that the Tribunal did not consider the Original Application since necessary parties were not added. The petitioners were aggrieved by the change in the seniority as their juniors overtook them on account of the revenue examination qualification. Now, as the petitioners have added these respondents and agree to add them before the learned Tribunal, which has not considered their claims on merits, this petition is disposed off with the following directions :-

(a) The order passed by the learned Tribunal, dated 12/10/2020, is set aside only because the petitioners agree to add the 19 employees as respondents in the Original

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Application.

(b) Original Application (st.) No.571/2020 shall stand restored to the file of the learned Tribunal.

(c) The petitioners are put to notice that they would appear before the learned Tribunal on 20/06/2022, along with the application for addition of parties. Fresh notices to the petitioners are not necessary.

(d) The Tribunal shall pass appropriate orders on the said application and thereafter, proceed to deal with the Original Application, on it's own merits and by affording adequate opportunity of hearing to all the parties.

4. The order of reversion, dated 14/10/2020, passed against the petitioners, is open to be assailed by the petitioners, since they are aggrieved by the said reversion.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)