

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8867 OF 2022

The State Of Maharashtra Through
Principal Secretary Water
Resource Dept. And Ors ... Petitioners.

V/S.

Gajanan Shrinath Kulkarni ... Respondent.

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Mr.N.K.Rajpurohit AGP for the State-Petitioners.
Ms.Prachi Tatake a/w. Mr.Vaibhav Sugdare for the Respondent.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 10 October 2023.

P.C. :

Heard learned counsel for the parties.

2 The Petitioner-State of Maharashtra has challenged the order passed by the Maharashtra Administrative Tribunal dated 10 October 2019, allowing the Original Application filed by Respondent and order dated 8 February 2021 dismissing the Review Application filed by the State of Maharashtra.

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3 The Tribunal, by the order dated 10 October 2019, disposed of several Original Applications by a common order. In this group of original applications, original application filed by the Respondent bearing No.777/2018 was on board. It is not necessary to detail the facts of the case in view of the subsequent orders passed by this Court and the Hon'ble Supreme Court in other application.

4 The State of Maharashtra in case of the Original Application No.238/2016 had filed Writ Petition No.3118/2021 which was dismissed by Division Bench of this Court by an order dated 9 September 2021. Thereafter, the Petitioner-State of Maharashtra had filed the Special Leave Petition in which leave was granted and the Hon'ble Supreme Court by an Order dated 21 March 2022 disposed of the Civil Appeal No.1985/2022. By the said order dated 21 March 2022, the Hon'ble Supreme Court set aside the orders passed by the Tribunal and this Court and following directions were given:

“6. In view of the above and for the reasons stated above, the present appeal succeeds in part. The impugned judgment and order passed by the High Court as well as that of the Tribunal quashing and setting aside orders dated 6.10.2015 and 21.11.2015 down-grading the pay scale and pension of the contesting respondent are hereby quashed and set aside. It is observed and held that the contesting respondent shall be entitled to the first TBP on completion of twelve years from the year 1989, i.e. from the date on which he was absorbed on the post of Civil Engineering Assistant and his pay scale and pension are to be revised accordingly. However, it is observed and directed that on re-fixation of his pay scale and pension, as observed hereinabove, there shall not be any recovery of the amount

already paid to the contesting respondent, while granting the first TBP considering his initial appointment from the year 1982.”

5 It is not in dispute before us that the facts in the present case and the facts in the case of Original Application No.238/2016 which was before the Hon’ble Supreme Court are identical.

6 In light thereof, the Petition is disposed of in same terms as the order passed by the Hon’ble Supreme Court quoted above.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)