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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 8302 OF 2021

District Collector Kolhapur & Ors. }	Petitioner
Versus	
Shri. Anil Tukaram Mane }	Respondents

**WITH
WRIT PETITION NO. 8303 OF 2021**

District Collector Kolhapur & Ors. }	Petitioner
Versus	
Nitinkumar Baburao Kamble }	Respondents

Mr. B. V. Samant, AGP for State.

Mr. Gaurav Bandiwadekar for the respondents.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 20, 2023

P.C.:

- 1.** Both these writ petitions are based on similar set of facts. As such, they are dealt with together.
- 2.** The petitioners filed original applications before the Tribunal claiming benefit of Government Resolution dated 10th March 2005. Under the said Government Resolution, the Government had taken a decision that those who are working as Copying Clerks without pay be absorbed as Class-III employees. The Tribunal allowed the original applications. Aggrieved thereby, the State has filed the present writ petitions.
- 3.** Amongst other submissions, one of the submissions of the learned AGP is that the petitioners had specifically given letters

on or about 13th February 2015 and 17th August 2015 stating that they were working as Copying Clerks without pay from 12th February 1998/20th November 1997. As such, as on the date of the Government Resolution, they did not complete 10 (ten) years and are not entitled to the benefits of the said Government Resolution. The learned AGP submits that the said documents could not be produced before the Tribunal as the department lay their hands subsequently.

4. The learned counsel for the respondents submits that a report of the Tahsildar has been relied upon by the Tribunal. The report of the Tahsildar specifically stated that these respondents have completed 10 years of service and comply with the requirements of the Government Resolution dated 10th March 2005. No error has been committed by the Tribunal.

5. It would appear that the letters dated 13th February 2015 and 17th August 2015 were not before the Tribunal when the Tribunal decided the matter. Two contrary reports were submitted by the Tahsildar. However, the State did not produce these letters. These letters may have certain bearing. Of course, opportunity should be given to the respondents to explain the same.

6. In light of the fact that the letters would be relevant for consideration, we set aside the judgment/order passed by the Tribunal and remit the matter back to the Tribunal for a decision afresh. The petitioner (State) may produce the said letters and reply by the State to the said letters before the Tribunal and the Tribunal shall decide the proceedings on merits in accordance with law after giving opportunity to the respondents/original applicants to give explanation about the said letters.

7. The parties shall appear before the Tribunal on 15th March 2023.

8. In light of the above, the writ petition is disposed of. No costs.

SALUNKE
J V

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by SALUNKE J V
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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)