



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

WRIT PETITION NO. 2683/2023

Deodas s/o Tukaram Rehpade,
Aged 54 yrs., Occ. Service, R/o.
Flat No.401, Gajvakra Apartment,
Pratap Nagar Square, SES Colony,
Nagpur.

...PETITIONER

VERSUS

1. State of Maharashtra, through
Secretary, Department of Animal
Husbandry, Mantralaya Mumbai-32.
2. The Commissioner, Animal Husbandry,
Aundh, Pune 411 067.
3. The Regional Joint Commissioner,
Animal Husbandry Department,
Civil Lines, Nagpur.

....RESPONDENT'S

Mr. B.D. Sachdev, Advocate with Mr. S.G. Karmarkar, Advocate for
petitioner.

Mr. K.R. Lule, Assistant Government Pleader for respondent Nos. 1 to
3.

CORAM : VINAY JOSHI AND
SMT. M. S. JAWALKAR, JJ..

DATE : 26.06.2024

JUDGMENT : (VINAY JOSHI, J.)

Rule. Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.

2. The petitioner has impugned the order dated 10.03.2023 passed in Original Application No. 141/2021 (SB) by the Maharashtra Administrative Tribunal, by which the Tribunal has declined to correct the pay-scale for the petitioner on promotional post as a Livestock Development Officer. The petitioner was appointed on the post of Livestock Supervisor in the year 1998 and then promoted on the post of Assistant Livestock Development Officer (Group 'C') on 05.05.2010 and then promoted as Livestock Development Officer (Group 'B') on 14.07.2020. It is petitioner's contention that his promotional pay-scale was wrongly fixed which ought to have been in the pay-scale of Rs. 56100-177500. We have gone through the impugned order, wherein the learned Tribunal has extensively reproduced the reply filed by the Presiding Officer in resistance. The part of reasoning is in para 7 which reads as below:-

“7. I have extensively reproduced pleading of the respondents. Said pleading clearly demonstrates that pay scale of the applicant on promotional post of Livestock Development Officer was rightly fixed. The O. A. is thus devoid of merits and it is accordingly dismissed with no order as to costs.”

3. Though the petitioner’s learned counsel would submit that the issue is covered, however there is no adjudication as such, on the issue involve. Since the impugned order is bereft of any reason about the applicability of pay-scale, by consent we deem it appropriate to direct the Authority to reconsider the issue and pass fresh reasoned order.

4. In view of above, petition is allowed. We hereby quash and set aside the order 10.03.2023 passed in Original Application No. 141/2021 (SB) by the Maharashtra Administrative Tribunal. The matter is remanded to the Tribunal with a request to decide within three months from today in accordance with law by reasoned order..

5. Petition stands disposed of in above terms.

(SMT. M. S. JAWALKAR,, J.)

(VINAY JOSHI, J.)

Gohane