

LSP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14999 of 2025

Sangita Bhagwanrao Chavan ...Petitioner
Versus
The State of Maharashtra and others ...Respondents

Mr Pramod G. Kathane a/w. Sariputta Sarnath and Aamol Ghurde
and Krishna Dhere, for the Petitioner.
Mr A.I. Patel, Addl. G.P. a/w. Smt. Ashwini A. Purav, AGP for the
Respondents-State.

CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.

DATED: 10th NOVEMBER 2025.

PC:-

1. Heard Mr. Kathan, the learned counsel appearing for the Petitioner and Mr. Patel, Additional Government Pleader appearing for the State.

2. It is alleged in the writ petition that on being reinstated in service, the Petitioner has been assigned a post which is lower in grade as compared to the substantive post of Dy. Commissioner earlier held by her. Contending that it is clear violation of the conditions of service, the Petitioner has approached this Court being aggrieved by the order dated 13th October 2025 passed by the learned Maharashtra Administrative Tribunal in O.A. No.

1184/2005 declining interim relief to the Petitioner. It is not in dispute that the original application is pending before the learned Maharashtra Administrative Tribunal.

3. We are informed that the matter is fixed on 14th November 2025 before the learned M.A.T. for filing reply on behalf of the State.

4. In the order dated 10th October 2025 the learned Tribunal has observed that the post against which the Petitioner has been reinstated is '*not lower grade post but of equivalent grade*'. However, the statement in Exhibit-B to the writ petition clearly indicates that Dy. Commissioner comes under Serial No.8 of the Chart of the officials in Tribal Development Department getting a higher pay scale than the post of Project Officer (Grade-II) against which Petitioner has been reinstated. If that is so, it prima-facie appears that the grievances expressed in the writ petition has some genuine basis.

5. Learned AGP submitted that the post of Project Officer has since been upgraded. This is mentioned in the order dated 13th October 2025.

6. Be that as it may, since the original application is pending before the learned Maharashtra Administrative Tribunal, we direct the Petitioner to take up the above issue before the Tribunal on the next date fixed. If such a plea is raised, we request the learned Tribunal to consider the same in the light of materials available on record and pass a fresh order without being influenced by the observations made in the order dated 10th October 2025.

7. It would be apposite to note herein that since the Petitioner had been placed under suspension and her reinstatement is on the strength of the order dated 17th September 2025 passed in Original Application No.945/2025, the Respondents would be obliged to reinstate her in a post which is equivalent in grade and rank to which, she was holding on the date of her suspension, carrying the same pay-scale.

8. Writ Petition stands disposed of accordingly.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)