

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**ORIGINAL APPLICATION No.1037 of 2019 with O.A.1039 of 2019 with
O.A. No.1040 of 2019 with O.A.No.1041 of 2019 with 1042 of 2019 with**

Dr. Govind B. Taware & Ors.

)..... Applicants

Versus

State of Maharashtra & Ors.

)...Respondents

Smt. Punam Mahajan, Counsel for the Applicants

Ms S. P. Manchekar, Chief Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 24.10.2019.

ORDER

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The Applicants in O.A.No.1037/19 and 1040/19 have joined Government Service as Assistant Professor in 2007. Whereas, Applicant in O.A.No.1040/19 joined as Assistant Professor in 2009 and Applicants in O.A.No.1039/2019 & O.A.1041/2019 joined as Assistant Professor in 2013. Initially though all these Applicants were appointed on temporary basis by giving technical breaks, however, later in view of the decision of Tribunal confirmed by the Hon'ble High Court as well as by the Hon'ble Supreme Court, the benefits of Annual Increments and condonation of technical break in their service was extended to them on the principle of parity and being similarly situated persons. Accordingly, Annual Increments were granted to the Applicants. Later, in 2016, services of the Applicants were regularized.

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3. However, abruptly the Respondent No.3 issued letter dated 04.10.2019 directing downward revision of pay and consequent recovery from the Applicants in view of letter of Government dated 02.02.2019. The Applicants, therefore, filed the present Original Applicants challenging the orders dated 02.02.2019 and 04.10.2019 and also prayed for interim relief as the Respondents are giving effects to downward revision of the pay from salary of this month i.e. October payable in November.

4. It is not in dispute that in pursuance of the decision rendered by this Tribunal, the benefit of yearly increment was given to the Applicants as well as their artificial break in service was condoned. However, by impugned action, now their pay is revised downward, for example it is pointed out by the learned Counsel for the Applicants that in O.A.No.1037/2019, the Applicant was getting total emolument of Rs.26,930/- on 01.07.2018 but due to downward revision now he will get Rs.18,260/-.

5. Once the benefit of yearly increment was granted to the Applicants in view of judicial decisions then it should not have been withdrawn in such manner abruptly. Therefore, impugned action *prima-facie* seems unjust.

6. For the aforesaid reasons, the effect and operation of orders dated 02.02.2019 and 04.10.2019 is hereby stayed till the filing of reply.

7. Issue notice before admission returnable on 14.11.2019.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
12. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
13. S.O. to 14.11.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 24.10.2019.</p> <p style="text-align: center;">O. A. No.1046 of 2019</p> <p>S. P. BhaweApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.2. Issue notice before admission returnable on 05.11.2019.3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.8. S.O. to 05.11.2019.9. Issue of interim relief is kept open. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>