



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION ST. NO. 93759 OF 2020  
WITH  
INTERIM APPLICATION ST. NO. 96680 OF 2020

Yogesh Prakash Morbale

.. Petitioner

Versus

The Registrar, Maharashtra  
Administrative Tribunal & Ors.

.. Respondents

WITH  
PUBLIC INTEREST LITIGATION NO. 199 OF 2013

Kanhaiya Vasant Mahamuni

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Yashodeep Deshmukh a/w Mr. Vinod Sangvikar a/w Ms.  
Vaidehi Deshmukh for Petitioner in WPST/93759/2020.

Dr. Uday Warunjikar for Petitioner in PIL/199/2013.

Mr. Amrut Joshi i/by O.S.D., MAT for Respondent No.1 in  
WPST/93759/2020.

Mr. N. R. Prajapati a/w Y. R. Mishra for Respondent No.2/UoI.

Ms. Shyamali Gadre a/w Harshita Bhanushali i/by Little & Co. for  
Respondent Nos.8 (MMRC) in WPST/93759/2020.

Dr. Birendra Saraf, Advocate General a/w Mr. M. M. Pabale, AGP for  
Respondent Nos.3 and 4/State in WPST/93759/2020.

CORAM: NITIN JAMDAR, ACTING CJ. &  
ARIF S. DOCTOR, J.

DATE: 19 JULY 2023

P.C.:

. These Petitions concern the functioning of Maharashtra Administrative Tribunal. Petitions have been circulated for urgent orders upon a praecipe by the Petitioner in Writ Petition St. No. 93759 of 2020.

2. Representation made by the Advocates Association of Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad is placed before us, which shows that the Division Bench of the Tribunal at Aurangabad is not functioning since 28 June 2023 and there are several urgent matters for admission and hearing. The learned counsel for the Registry of the Tribunal states that even at Nagpur, the Division Bench is not functioning.

3. The response of the Tribunal is also placed on record, which states that process for appointment is going on. An affidavit is filed on behalf of the Registry of the Tribunal. It is stated that, at present, there is one Judicial Member and one Administrative Member at Aurangabad and the Administrative Member is due to superannuate on 11 August 2023 and the Judicial Member is superannuated on 28 June 2023 and, therefore, effectively from 11 August 2023 there will be only Vice-Chairman (Judicial) in the Tribunal at Aurangabad. The affidavit also mentions the process of filling up of the vacancies.

4. When the matter was called out in the morning session, it was kept back for the learned Advocate General to assist the Court. The learned Advocate General has appeared and has assisted the Court.

5. A communication dated 19 July 2023 issued by the Under Secretary to the Government of Maharashtra, General Administration Department to the Joint Secretary (AT), Government of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, New Delhi is placed on record, whereby the request is made to issue appointment orders to the two selected candidates as regard Member (Administrative), Nagpur and Member (Administrative), Aurangabad. The learned counsel representing the Registry of the Tribunal informs that as regard two Judicial Members, recommendation is already sent to the Government of India in June 2023.

6. Considering the importance of the Tribunal and the situation resulting from non-filling of the vacancies which is extremely prejudicial to the litigants, the Joint Secretary, Government of India, would look into the issue on priority basis and will consider taking necessary steps at the earliest.

7. The learned counsel for the Union of India states that these observations and sentiments expressed by this Court would be conveyed to the Joint Secretary, Government of India at the earliest.

8. The learned counsel for the Petitioners states that this process may take some time and in the meanwhile, though the Tribunal at Mumbai is taking up urgent matters, facility be provided for virtual hearing and e-filing so that the Advocates need not come to Mumbai physically. On this aspect, the Chairperson of the Tribunal would be in better position to take a decision depending on the availability of the infrastructure and feasibility. If there is a shortage of infrastructure because of which the virtual hearing cannot be provided, we have no doubt that the Chairperson of the Tribunal would make necessary request to the State Government and further we have no doubt that the State Government will extend all possible assistance.

9. Stand over to 01 August 2023 at 2.30 p.m. under the caption “For Directions” to enable the learned counsel for the Union of India to inform about the progress regarding issuance of appointment orders.

(ARIF S. DOCTOR, J.)

(ACTING CHIEF JUSTICE)

PRAVIN  
DASHARATH  
PANDIT

Digitally signed by  
PRAVIN DASHARATH  
PANDIT  
Date: 2023.07.19  
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