

ORIGINAL APPLICATION NO. 303 OF 2020
(Sanjay D. Dongaonkar Vs. the State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.8.2021

ORAL ORDER :

Heard Shri P.N. Sonpethkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he has amended the present Original Application as per the leave granted by this tribunal while allowing the M.A. No. 86/2021. Record shows that the applicant has not made reference of order passed in M.A. while carrying out the amendment in the O.A. The applicant shall make endorsement in the O.A.

3. Learned Presenting Officer seeks time for filing affidavit in reply to the amended O.A. Time granted.

4. S.O. to 1.9.2021.

MEMBER (A)

ORAL ORDERS 10.8.2021-HDD

M.A.NO. 627/2019 IN O.A.NO. 993/2019
(Dilip R. Joshi Vs. the State of Maharashtra & Ors.)

WITH

M.A.NO. 628/2019 IN O.A.NO. 994/2019
(Dilip K. Thorat Vs. the State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.8.2021

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicants in both these cases and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents in both these cases.

2. Learned Advocate for the applicant submits that both these cases have already been tagged together and respondents have already filed affidavit in reply in both these cases.

3. Learned Advocate for the applicant states that filing of rejoinder affidavit to the affidavit in reply filed by the respondents is not necessary and, therefore, the present cases may be taken for final hearing.

4. In view of the above, S.O. to 6.9.2021 for hearing.

MEMBER (A)

ORAL ORDERS 10.8.2021-HDD

M.A.NO. 297/2020 IN O.A.ST.NO. 1203/2020
(Jayant S. Bhamare Vs. the State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.8.2021

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Service affidavit has been filed on 21.12.2020 as evident from service noting of respondent Nos. 1 to 3. Thereafter, the matter has not come on board.

3. At the request of learned Presenting Officer, S.O. to 6.9.2021 for filing affidavit in reply in the present M.A.

MEMBER (A)

ORAL ORDERS 10.8.2021-HDD

M.A.NO. 99/2021 IN O.A.ST.NO. 350/2021
(Mohammad Asgar Vs. the State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.8.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant submits that he would go through the affidavit in reply filed by the respondent Nos. 1 to 3 and he will file rejoinder affidavit, if necessary and seeks time. Time granted.

4. S.O. to 8.9.2021.

MEMBER (A)

ORAL ORDERS 10.8.2021-HDD

ORIGINAL APPLICATION NO. 406 OF 2021
(Sajed M. Siddiqui Vs. the State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.8.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Shri Prashant Desai, Head Clerk from the office of Superintendent of Police, Beed is also present today in the court with original record relating to transfer of the applicant including minutes of Police Establishment Board.

3. Learned Presenting Officer has filed photo copies of documents and the same are taken on record and marked as documents X-1 to X-3 for the purpose of identification. Learned Advocate for the applicant has filed photo copies of documents and the same are taken on record and marked as document X-4 & X-5 for the purpose of identification.

4. Learned Presenting Officer has submitted that the applicant had completed 12 years' of service at Beed headquarter and, therefore decision was taken by the Police Establishment Board to transfer him to another place for which the applicant was consulted in person to accommodate him at the place of his convenient. He was verbally asked to suggest three places in order of

preference. Learned Presenting Officer has invited my attention to the document X-2. Perusal of the said document reveals that the applicant has served in one place i.e. Beed headquarter for 12 years, which comes to 70% of his total service in the taluka of Beed. Learned Presenting Officer further submits that the applicant was consulted in the form of counseling session in which he had given preferences for Georai, Vadvani & Shirur as his choice.

5. Learned Advocate for the applicant submits that there is nothing in the Transfer Act which supports provisions of Government Resolution dated 23.4.2010 issued by the Home Department, Mantralaya, Mumbai or confers any discretion to the respondent No. 1 to introduce any criteria taking taluka as unit of computation of tenure on one post / office or department as defined in Section 2 of the Transfer Act. Learned Advocate for the applicant also states that the applicant has been relieved during the period for which Tribunal had granted status quo despite the fact that the service of the order of the Tribunal dated 5.8.2021 was made on inward clerk Smt. Nimbalkar on 6.8.2021 at 10.25 a.m. whereas the applicant has been relieved at 1705 hrs. on the same day.

6. In view of the above, the respondents are directed to bring the original record showing movement of copy of order of the Tribunal dated 5.8.2021 from Central Inward Office of S.P. to the Human Resources Section of the office of S.P. Beed.

7. S.O. to 12.8.2021.

MEMBER (A)

ORAL ORDERS 10.8.2021-HDD

C.P. No. 27/2018 in O.A. No. 515/2013
(Dr. Balaji G. Phalke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue fresh notice to the respondents in the present C.P., returnable on 04.10.2021.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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

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C.P. 27/2018 in
O.A. 515/2013

(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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 04.10.2021.

8. Steno copy and Hamdast is allowed to both parties.

9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1069 OF 2019
(Prabhakar M. Kathar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that during the course of the day he will file affidavit in reply on behalf of all respondents.

3. S.O. to 04.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 196 OF 2021
(Sandip P. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that during the course of the day he will file affidavit in rejoinder.

3. S.O. to 05.10.2021. Interim relief granted earlier to continue till next date.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 48 OF 2021
(Dr. Shankarrao B. Wadikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instruction of the applicant submits that the applicant seeks permission to withdraw the present Original Application.

3. In view of this, we have no difficulty in granting permission to the applicant to withdraw the present O.A. Permission to withdraw the present O.A. is granted. Accordingly the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 872 OF 2018
(Arun M. Gir Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that in the O.A. in jurisdiction clause, the applicant has stated that as he is residing in Ahmednagar within the jurisdiction of this Tribunal, this Tribunal has jurisdiction to entertain the present O.A. Our learned predecessor Division Bench has raised objection as regards jurisdiction and not the residential place of the applicant, but the cause of action/subject matter would decide the jurisdiction. In that regard learned Advocate for the applicant submits that the impugned charge sheet has been issued against the applicant in respect of his work done while posted as Special Auditor, Class-II, Co-operative Societies in Ahmednagar District. However, this is not reflected in the jurisdiction clause of the O.A. Learned Advocate for the applicant seeks permission to amend

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the jurisdiction clause of the O.A. accordingly.

3. Permission is granted to amend the O.A. The applicant shall amend the O.A. forthwith.

4. S.O. to 30.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 401 OF 2021
(Ramreddy R. Aitwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 21.09.2021.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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

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O.A. No. 401/2021

(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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 21.09.2021.

8. Steno copy and Hamdast is allowed to both parties.

9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2021
(Deepak P. Dungahu Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant has filed the present Original Application, challenging the order dated 03.08.2021 passed by the respondent No. 2 in second appeal confirming the order passed in the first appeal, as well as, order cancelling the sports verification/validity certificate issued by the respondent No. 4. The applicant is also seeking interim protection in terms of prayer clause 49 (B), (C) & (D) to the effect of stay of the impugned orders and restraining the respondents from taking any adverse action against the applicant pursuant to the impugned orders.

3. The applicant claims to be a sports person. He said to have participated in 9th Maharashtra State Junior under 19 boys/girls Trampoline Championship 2005 held at University Campus, Aurangabad and

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O.A. No. 419/2021

supposedly got first prize. As per Government Resolution dated 01.07.2016 issued by the Government of Maharashtra, School Education and Sports Department, 5% reservation is kept for sports person in Government and Semi-Government services. On 17.10.2018, the applicant submitted his sports certificate at Annexure A-1 (Page No. 37 of paper book) for verification and the respondent No. 4 i.e. the Deputy Director, Sports and Youth Services, Aurangabad Division, Aurangabad said to have verified on 17.10.2018.

4. The advertisement dated 10.01.2019 (page No. 49 of paper book) issued by the Agriculture Department for filling up the post of Agriculture Assistants. The applicant applied for the said post. He was selected. He got appointment to the said post vide appointment letter dated 01.11.2018 (Annexure A-5). The applicant got appointment through Sports Quota Open. It is the further contention of the applicant that his sports certificate was re-verified by the respondent No. 4 as per Annexure A-6 (page No. 6 of paper book) on 02.02.2019.

5. It is the further contention of the applicant that after completion of 18 months of service, the respondent No. 4 issued notice dated 07.08.2020 (Annexure A-8) to his department. Copy of the said notice was also marked to the applicant. Thereby it was alleged that the sports certificate submitted by the applicant is bogus and it was verified on the basis of fake documents. Upon hearing, the respondent No. 4 vide order dated 16.09.2020 (Annexure A-9) cancelled the said Sport Verification certificate. In view of the same, the applicant apprehended that his services would be terminated.

6. Being aggrieved by the said order dated 16.09.2020 (Annexure A-9), the applicant filed W.P. No. 6757/2020 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad. The Hon'ble High Court vide order dated 05.10.2020 (Page No. 67 of paper book) granted interim relief that no adverse action shall be taken against the applicant. The said W.P. was disposed of vide order dated 19.01.2021 with a direction to approach the Joint Director in first appeal and interim relief was continued for 15 days in order to avail the remedy of first appeal.

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O.A. No. 419/2021

7. The applicant on 28.01.2021 preferred first appeal along with stay application before the respondent No. 3 i.e. the Joint Director, Sports & Youth Services, Pune. During pendency of the said first appeal, the applicant preferred another W.P. No. 2654/2021 for continuation of interim relief granted earlier as per the order dated 19.01.2021. By the order dated 08.02.2021 (page No. 147 of paper book), the said W.P. was disposed of thereby extending the interim relief till disposal of first appeal. The said first appeal came to be dismissed on 18.02.2020 (Annexure A-5). Thereafter, the applicant preferred second appeal (Annexure A-16) before the respondent No. 2 on 25.02.2021 along with stay application. During pendency of the said second appeal, the applicant preferred another W.P. No. 5673/2021 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad for continuation of interim relief. The said W.P. was disposed of by the Hon'ble High Court by the order dated 01.04.2021 (Annexure A-17) as it was withdrawn. Thereafter, hearing of the second appeal took place and it came to be dismissed by the impugned order dated 03.08.2021 (Annexure A-18).

8. In view of above, learned Advocate for the applicant submitted that no proper opportunity was given to the applicant in the hearing that took place before the authority of respondent No. 4 i.e. the Deputy Director, Sports and Youth Services, Aurangabad, wherein the sports verification certificate was cancelled. The applicant apprehends his termination from service in view of the subsequent orders passed in first and second appeal. Learned Advocate for the applicant further submitted that during pendency of first appeal, interim protection was granted by the Hon'ble High Court and on that footing further protection can be granted.

9. Per contra, learned Chief Presenting Officer appeared on behalf of the respondents and vehemently submitted that during enquiry of various sports verification certificates, it is revealed that this is a big scam and out of 261 sports verification certificates, only three sports certificates are valid as participants mentioned in those three certificates only participated in the sport. Leaned C.P.O. further pointed out that during hearing of the first appeal when the applicant was confronted about the details of sports, the applicant was not even able to answer it's exact nature

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and as such, it can be irresistibly inferred that this applicant never played this game. It also revealed in the enquiry that in the year 2005, no such event was organized by the Maharashtra Trampoline Association. He seeks three weeks' time for filing detailed affidavit in reply on behalf of respondents.

10. Learned Advocate for the applicant during the arguments also placed on record a copy of the common decision of the Principal seat of this Tribunal at Mumbai, which is dated 26.11.2020 in O.A. No. 653/2020 & 11 other O.As., whereby, the respondents were directed to withdraw their respective orders on or before 4.12.2020 and it was observed that the respondents are free to give show cause notice to all the applicants or other similarly situated government servants giving opportunity them about cancellation of validity.

11. After having considered arguments advanced on behalf of both the sides, it is evident that during enquiry, the respondents have come across situation wherein most of such sports certificates and sports verification certificates were sham and bogus and

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O.A. No. 419/2021

respondents have undertaken further investigation. Learned C.P.O. also submitted that criminal prosecutions have also been launched, but he is not having details of the same.

12. However, the fact remains that the applicant has challenged the impugned orders, whereby the sports verification certificate of the applicant is cancelled by the respondent No. 4 authority and subsequently in first and second appeal it is confirmed by the respondent Nos. 3 and 2 respectively. During pendency of the first appeal, interim relief was operative / granted by the Hon'ble High Court. No doubt, the opportunity should be given to the respondent for filing affidavit in reply, but before that, if adverse action is taken against the applicant by the respondents pursuant to the cancellation of Sports Certificate / Sports Verification certificate, the very purpose of filing of the present O.A. under Section 19 of the Administrative Tribunals Act, 1985 is likely to be frustrated. Moreover, to the extent of participation of the applicant in the alleged scam is yet to be crystalized.

13. In view of the above, in our considered opinion, grant of interim relief in the form of any further action

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O.A. No. 419/2021

by the respondents against the applicant touching to his service on the basis of cancellation of Sports Certificate and Sports Verification Certificate would be subject to the outcome of the present Original Application would suffice the purpose. Ordered accordingly.

Considering the nature of the proceedings, hearing of the present O.A. is expedited.

14. Issue notices to the respondents, returnable on 06.09.2021.

15. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

16. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

17. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A. No. 419/2021

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

18. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

19. S.O. to 06.09.2021.

20. Steno copy and Hamdast is allowed to both parties.

21. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 969 OF 2021
(Amol S. Sambhare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.08.2021

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.08.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ON.410 OF 2021
(Tulshiram D. Bakle Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.A. Ingle, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 14.09.2021.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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.

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O.A.410/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 14.09.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

M.A.NO.249 OF 2019 IN O.A.ST.NO.1026 OF 2019

(Madhukar K. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. S.O. to 02.09.2021.

MEMBER (J)

**M.A.NO.496 OF 2019 IN O.A.ST.NO.1857 OF 2019
(Mamta N. Chavariya Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. S.O. to 03.09.2021.

MEMBER (J)

**M.A.NO.6 OF 2021 IN O.A.ST.NO.1419 OF 2020
(Vijay R. Bangar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.
3. S.O. to 08.09.2021.

MEMBER (J)

M.A.NO.7 OF 2021 IN O.A.ST.NO.1416 OF 2020

(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of learned C.P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 08.09.2021.

MEMBER (J)

**M.A.NO.180 OF 2021 IN O.A.NO.764 OF 2018
(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.
3. Interim relief granted earlier to continue till next date.
4. S.O. to 03.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.211 OF 2021
(Sandu Y. Dongre Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.B. Jadhav, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply of Respondent No.5 is already filed.

3. Affidavit-in-reply filed by Respondent No.2 today is taken on record and copy thereof has been supplied to other side.

4. At the request of learned P.O., time is granted for filing affidavit-in-rely on behalf of remaining Respondents.

5. S.O. to 02.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.109 OF 2021
(Ashok B. Shiradkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.
3. S.O. to 07.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.575 OF 2020
(Kondabai R. Ghadge & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the Applicants and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that he would file affidavit-in-reply on behalf of Respondent Nos.1,2 & 4 during the course of day.

3. S.O. to 07.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.566 OF 2020
(Nathu N. Khadtare & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicants and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 06.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.520 OF 2020
(Mutazabaddin Abdul Waheb Shaikh Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of Respondent Nos.3 & 4.

3. S.O. to 06.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.335 OF 2020
(Arjun N. Pache Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, time is granted for filing affidavit-in-rejoinder.
3. S.O. to 03.09.2021.

MEMBER (J)

**M.A.NO.237 OF 2021 WITH M.A.NO.174 OF 2020 IN
O.A.ST.NO.574 OF 2020**

(Dnyanoba W. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 01.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.85 OF 2020
(Satwa N. Sangle Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 27.08.2021. The present matter is already part heard.
3. Interim relief granted earlier to continue till next date.

MEMBER (J)

ORIGINAL APPLICATION NO.12 OF 2020
(Vaibhav V. Chandle & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the Applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 14.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.413 OF 2019
(Ashabai M. Suradkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondent Nos.1 to 5. Shri P.B. Paithankar, learned Advocate for the Respondent No.6 (**absent**).

2. At the request of learned Advocate for the Applicant, S.O. to 09.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.455 OF 2020
(Sahebrao D. Wagh Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Pleadings are complete. The matter is pertaining to recovery.
3. The matter admitted and fixed for final hearing on 06.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant submits that the Applicant does not wish to file affidavit-in-rejoinder.
3. At the request of learned Advocate for the Applicant, S.O. to 06.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO.415 OF 2020
(Chaya T. Bhoi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri Ramraje A. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Record shows that the office objection is raised to the effect that the Applicant before filing this Original Application has not filed Departmental Appeal before the higher authority u/r 17(i) of MCSR (D & A) Rules, 1979.

3. Learned Advocate for the Applicant at this stage submits that the Original Application is filed challenging the impugned suspension order of the Applicant dated 17.01.2020 (Annex. 'A-1', page nos.20 & 21 of P.B.) issued by Respondent No.3.

4. He submits that the Respondent authority i.e. Respondent No.3 has revoked the said suspension order of the Applicant by order dated 09.03.2021. He places on record the copy of the said order. It is taken on record and marked as document 'X' for the purpose of identification.

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O.A.St.415/2020

5. In view of this development, learned Advocate for the Applicant seeks permission to withdraw the present Original Application. Permission is granted.

6. Accordingly, Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (J)

**C.P. No. 17/2017 WITH REVIEW ST. 1217/2019 IN
O.A. No. 63/2015
(Saylu P. Nawod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.08.2021

ORAL ORDER :

C.P. NO. 17/2017 IN O.A. NO. 63/2015

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 & 3 and Shri S.B. Mene, learned Advocate for respondent no. 2.

2. Record of this Contempt Petition and more particularly farad sheet order dated 12.1.2021 would show that this Contempt Petition is disposed of being premature. In that regard it is observed by the Tribunal as follows :-

“4. In view of the pendency of the Review Petition we are of the view that it is proper decide the Review Petition first and then to consider the contempt. Hence, the C.A. filed is premature to consider and is therefore disposed off.

5. In between the Applicant may file reply to the Review Petition.”

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**C.P. No. 17/2017 WITH REVIEW ST.
1217/2019 IN O.A. No. 63/2015**

4. In view of the same the present Contempt Petition though shown on today's board is already disposed of by this Tribunal on 12.1.2021.

**REVIEW PETITION ST. 1217/2019 IN O.A.
63/2015**

5. Heard Shri S.B. Mene, learned Advocate for the applicant in Review Petition, Shri S.D. Joshi, learned Advocate for respondent no. 1 in Review Petition / applicant in O.A. and Shri N.U. Yadav, learned P.O. for respondent nos. 2 to 6 in review Petition.

7. Review Application St. no. 1217/2019 is filed by the original respondent no. 4 in O.A. no. 63/2015. The respondent no. 1 in the Review Petition is the original applicant and respondent nos. 2 to 6 are the respondents in O.A. No. 63/2015.

6. The present Review Petition is pending for filing affidavit in reply by the other side.

7. In the circumstances, S.O. to 23.8.2021 for filing affidavit in reply by the respondents in Review Petition.

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**C.P. No. 17/2017 WITH REVIEW ST.
1217/2019 IN O.A. No. 63/2015**

8. The Review Petition be placed before the Single Bench on the next date.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 10.08.2021

O.A. No. 1071/2019
(Virbhadra G. Idage Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent no. 1 and Shri N.U. Yadav, learned Advocate for respondent nos. 2 & 3.

2. With the consent of both the sides, S.O. to 21.9.2021 for hearing at the stage of admission itself.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 204/2021
(Ganesh G. Jaybhaye & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 2.9.2021 for hearing at the stage of admission itself.

MEMBER (A)

MEMBER (J)

M.A. 280/2019 IN O.A. ST. 1110/2019
(Sunil H. pachawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Affidavit in reply is already filed by the respondents in the M.A.

3. With the consent of both the sides, S.O. to 15.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 66/2018
(Dnyeshwar P. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate holding for Shri K.S. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 24.8.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. 59/2021 IN O.A. 208/2021
(Namdeo B. Dhakne Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply of respondent nos. 2 to 4. It is taken on record and copy thereof has been supplied to other side.

3. With the consent of both the sides, S.O. to 15.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 297/2018
(Ajay R. Umale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri V.V. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 27.8.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 813/2018
(Robinson R. Masih Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 30.8.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 946/2017
(Namdeo L. More Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 2.9.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NOS. 160 AND 844 BOTH
OF 2018**

(Nilesh P. Bansude & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri V.V. Deshmukh, learned Advocate holding for S/shri S.S. Panale / S.S. Dambe and A.N. Nagargoje / A.S. Kulkarni, learned Advocate for the applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the cases.

2. With the consent of both the sides, S.O. to 15.9.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 384/2019
(Vinayak B. Kapse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 18.8.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 133/2020
(Ms. Alka S. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.08.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that on 9.7.2021 we have recorded that the applicant has to address this Bench as to whether he falls in the cadre of aggrieved person as mentioned in Section 19 of the Administrative Tribunals Act, 1985. On that day, at the request the learned C.P.O. time was granted for filing affidavit in reply of res. nos. 1 to 3 and the matter was adjourned to 3.8.2021. On 3.8.2021 also, at the request of both the parties, the matter was adjourned to next date. However, affidavit in reply of respondent nos. 1 to 3 is awaited till today. Today also the learned C.P.O. again seeks time for filing affidavit in reply of res. nos. 1 to 3. From going through record, it reveals that the respondent no. 4 already filed affidavit in reply.

3. At this stage, the learned Advocate for the applicant submits that the interim relief in this case was refused by the Tribunal vide its order dated 6.3.2021. Therefore, the applicant challenged the said order of the Tribunal before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad by filing writ petition no. 4020/2020. Toay, he placed on record copy of order dtd. 20.7.2021 passed by the Hon'ble High Court in the said writ petition. By the said order the writ petition no. 4020/2020 was disposed of by the Hon'ble High Court with following observations :-

“5. In view of that, the petitioner may make a request to the Tribunal to decide the Original Application expeditiously. The Tribunal naturally would consider the request of the petitioner and decide it as per its convenience expeditiously considering that the petitioner is assailing the selection process.”

4. In view of above the above order of the Hon'ble High Court, the learned Advocate for the applicant seeks expeditious hearing of the present O.A.

5. Learned C.P.O. concedes for the above submissions of the learned Advocate for the applicant.

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O.A. NO. 133/2020

6. Considering the nature of the present proceedings i.e. the selection process is challenged in therein, and therefore, in our considered view, the present matter is to be heard at the earliest.

7. In the above circumstances, S.O. to 6.9.2021 for filing affidavit in reply by the respondent nos. 1 to 3.

MEMBER (A)

MEMBER (J)

Date :**10.08.2021**

ORIGINAL APPLICATION NO.420 OF 2021

(Shri Raosaheb B. Jangle V/s The State of Maharashtra & Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

1. Shri S.S. Tandale, ld. Advocate for the applicant and Smt. Deepali S. Deshpande, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 07.09.2021. The case be listed for admission hearing on 07.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. 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 as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 10.8.2021
O.A. 383/2021
(Siddharth Y. Bhalerao V/s State of
Maharashtra & Ors.)

Per :- Standing directions of Hon'ble
Chairperson, M.A.T., Mumbai

1. Smt. A.M. Hajare, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 15.9.2021. The case be listed for admission hearing on 15.9.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. 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 as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 10.8.2021

O.A. 412/2021

(Chetan K. Thakare V/s State of Maharashtra & Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

1. Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 14.9.2021. The case be listed for admission hearing on 14.9.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. 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 as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR