

O.A. No. 841/2019(DB)

**Coram : Hon'ble Shri Shree Bhagwan, V.C.  
AND  
Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri P.S. Wathore, learned counsel for the applicant and Shri Shrikant Deo, learned Chief Presenting Officer for the respondents.

2. In this Original Application the applicant is challenging the educational qualification prescribed for the post of Civil Surgeon in the recruitment rules framed by the Government of Maharashtra on 1<sup>st</sup> August, 1981. The applicant is MBBS and post graduate diploma in Gynecology. The applicant is in service of the respondent No. 1 as Medical Officer.

3. It is contention of the applicant that the respondent No. 2 published advertisement dated 4.9.2019 to fill up 123 posts of Civil Surgeon in the State of Maharashtra and out of these 123 posts 6 posts as per the advertisement are reserved for the Scheduled Tribe. According to the applicant, he belongs to S.T. category.

4. It is the grievance of the applicant that as per the advertisement the minimum educational qualification for the post of Civil Surgeon is MBBS degree of a statutory university or any other equivalent qualification as prescribed in the schedule to the Indian Medical Council Act and the post-graduate degree in any clinical subject or equivalent qualification as accepted by the Medical Council of India. It is the contention of the applicant that due to his condition the applicant, who is diploma holder is not able to apply for the post. According to the applicant, this condition in the advertisement and in the service rules dated 1<sup>st</sup> August, 1981 is discriminatory. According to the applicant, the educational qualification for holding the post of District Health Officer or Deputy Director, Health Services is M.B.B.S. and Diploma in any branch. It is submitted that the posts of District Health Officer and Deputy Director, Health Services, are equivalent to the post of Civil Surgeon and, therefore, this discrimination is irrational. On the basis of this, it is submitted by the applicant that either the entire recruitment process be stayed or in the alternative the respondents be directed to allow the applicant to apply for the post of District Civil Surgeon and take part in the

examination, otherwise irreparable loss will be caused to the applicant.

5. It is the contention of the learned Chief Presenting Officer for the respondents that the advertisement was published on 04.09.2019. The last date to submit the application form was till 25<sup>th</sup> September, 2019. Thereafter, this time was extended till 11<sup>th</sup> October, 2019 by issuing the corrigendum. It is submitted by the learned Chief Presenting Officer that the applicant was aware after reading the advertisement dated 04.09.2019 that he was not eligible to apply for the post, therefore, the applicant should have challenged the advertisement immediately, but it is not done. It is submitted that now the last date to file the application form for the post of District Civil Surgeon is expired, the applicant does not possess the educational qualification as per the advertisement, therefore, in this situation, if any relief is granted to the applicant, then it will cause grave prejudice to the public at large. It is the submission of the learned Chief Presenting Officer for the respondents that there would be flood of application forms by the diploma holders and this will create so

many problems. Therefore, no case is made out by the applicant for grant of interim relief.

6. It is an admitted position that the Government of Maharashtra has framed the Recruitment Rules dated 1<sup>st</sup> August, 1981 and as per Rule No. 9, for holding the post of District Civil Surgeon, the minimum educational qualification is post graduation degree in any clinical subject or equivalent qualification approved by the Medical Council of India. As per this rule, the advertisement dated 04.09.2019 was published. Therefore, apparently, there appears no substance in the contention of the applicant that the procedure is illegal.

7. Learned Chief Presenting Officer for the respondents has rightly pointed out that the posts of District Health Officer and Deputy Director, Health Services are purely administrative services and District Health Officer and the Deputy Director of Health Services are not discharging functions as Medical Officers and they are not giving medical treatment. It must be kept in mind that the District Civil Surgeon is head of the hospital and under his control head of the other faculties such as, Gynecology,

Ophthalmology, Orthopedics and Pediatrics use to work. The head of these branches are post-graduates in the respective clinical subjects. Besides, the administrative duty, the District Civil Surgeon has to discharge duty as a Medical Officer while dealing with the patients and under these circumstances we do not see *prima facie* case for grant of interim relief. Secondly, we would like to point out that had it been intention of the applicant to challenge the rules and the advertisement then he should have rushed to this Tribunal immediately after noticing the advertisement. On page No. 85, Annexure 'A-10' a copy of the application dated 20.09.2019 addressed to the Principal Secretary, Health Services, M.S., Mumbai, is filed by the applicant. After perusing this, it seems that the applicant was aware of the advertisement and the qualification prescribed in the advertisement. Till today, application form is not submitted by the applicant and now the last date to file application form for the post of District Civil Surgeon is expired. Under these circumstances, we are compelled to say that the balance of convenience is also not in favour of the applicant. If any relief is granted

then other participants and the public will be sufferer, therefore, comparatively more hardship will cause to others than the applicant.

8. In view of the discussion in foregoing paragraphs, we are of the view that this not a suitable case for granting interim relief. Hence, the prayer of the applicant for grant of interim relief is hereby rejected.

9. Issue notices to the respondents, returnable after three weeks.

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

12. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

13. 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.

14. 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.

15. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

16. Learned counsel for the applicant has invited my attention to the representation dated 3.9.2019 addressed to the Principal Secretary, Tribal Development Department, Mantralaya, Mumbai. In this background, the Principal Secretary, Tribal Development Department, Mumbai, is directed to take decision on the representation filed by the applicant within a period of three weeks.

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O.A. No. 841/2019(**DB**)

17. **S.O. after three weeks.**

18. Steno copy and hamdust allowed to both the parties.

**VICE CHAIRMAN**

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD



O.A. No. 256/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri Shailesh Kolhe, learned counsel holding for Shri S.R. Deshpande, learned counsel for the applicant and Shri S.A. Sanis, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. after two weeks for filing affidavit in reply

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 875/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri N.R. Saboo, learned counsel for the applicant (**absent**). Shri A.M. Khadatkar, learned Presenting Officer for the respondent Nos. 1, 2, 4 & 5, present. Shri B.N. Jaipurkar, learned counsel for respondent No. 3 (**absent**).

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record and copy thereof could not served on the learned counsel for the applicant as nobody appears on his behalf.

3. At the request of learned Presenting Officer, S.O. to two weeks for filing affidavit in reply on behalf of other respondents.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 905/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri A.S. Dhore, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to two weeks for filing affidavit in reply, as a last chance.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 402/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri S.A. Marathe, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that the impugned transfer order dated 31.05.2019 transferring the applicant from V.N.G.M.C. Yeotmal to Government Medical College at Nagpur has been withdrawn by the respondents and, therefore, he prayed to dispose of the present Original Application.

3. In view of the above, the present Original Application stands disposed of without any order as to costs.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 452/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri A.S. Dhore, learned counsel for the applicant, Shri S.A. Sanis, learned Presenting Officer for the respondent Nos. 1 to 6 & 9 and Shri R.M. Zaheer, learned counsel for respondent No. 7. Shri S.M. Saware, learned counsel for respondent No. 8 (**absent**).

2. Learned Presenting Officer has submitted that the affidavit in reply is ready, but it is not sworn and seeks time. Time granted.

3. Learned Presenting Officer shall serve the copy of the affidavit in reply on the other side well in advance.

4. S.O. to 08.11.2019 for hearing.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 520/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri S. Mudliar, learned counsel for the applicant, Shri S.A. Sanis, learned Presenting Officer for the respondent Nos. 1 & 2 and Smt. J.J. Alkari, learned counsel for respondent Nos. 3 & 4. None appears for respondent No. 5.

2. At the request of learned Presenting Officer, S.O. after DIWALI VACATION for filing affidavit in reply, as a last chance.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 559/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri P.S. Palshikar, learned counsel for the applicant (**absent**). Shri A.M. Khadatkar, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record.

3. The present case is admitted and it be kept for final hearing on 14.11.2019.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 651/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri M.I. Dhatrak, learned counsel for the applicant and Shri S.A. Sanis, learned Presenting Officer for the respondents.

2. On the last date i.e. on 13.09.2019 the order was passed by this Tribunal and the respondents were directed to take decision on the letter dated 29.03.2019 within a period of four weeks, but till today no decision is taken. Deceased Chandrabhan Mahadeo Sadavarti husband of the present applicant is acquitted by the Hon'ble High Court in Criminal Appeal No. 192/2011 and thereafter he died on 21.09.2011. The appeal was contested by the present applicant. Due to death of her husband viz. Chandrabhan Mahadeo Sadavarti, it is not permissible to initiate departmental proceeding. Therefore, the present Original Application stands allowed in terms of prayer clause (i) of the present Original Application, which reads as under: -

*“(i) Issue appropriate direction to the respondent No. 1 – Principal*



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O.A. No. 651/2019(SB)

*Secretary, Urban Development Department to immediately take decision in the case of the applicant and to further direct the respondent No. 2 – Collector, Bhandara to immediately release pensionary benefits, gratuity and regular pension in favour of the applicant, in the interest of justice.”*

3. The respondents are directed to comply this order within a period of three months from the date of this order.

4. Accordingly, the present Original Application stands disposed of without any order as to costs.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 889/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri J. Duhilani, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for the respondents.

2. The present case is admitted and same be listed for final hearing on 11.11.2019.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 227/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri A.R. Kalale, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for the respondents.

2. The present case is admitted and it be listed for final hearing in due course of time.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 674/2017(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri S.C. Deshmukh, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. 15.11.2019.

ORAL ORDERS 16.10.2019-SB-HDD

**MEMBER (J)**

O.A. No. 259/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri A.P. Sadavarte, learned counsel for the applicant, Shri H.K. Pande, learned Presenting Officer for the respondent Nos. 1, 4 & 5 and Shri T.M. Zaheer, learned counsel for respondent No. 2 & 3.

2. Learned counsel for respondent Nos. 2 & 3 seeks time to file relevant documents on record. Time granted.

3. S.O. after DIWALI VACATION. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 454/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri S.P. Palshikar, learned counsel for the applicant (**absent**). Shri M.I. Khan, learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. after DIWALI VACATION.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 664/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri V.B. Gawali, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for the respondents.

2. Learned counsel for the applicant has filed pursis along with a copy of judgment and they are taken on record and marked as document 'X' for the purposes of identification.

3. At the request of learned counsel for the applicant, S.O. 05.11.2019.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. Nos. 445 TO 447 all of 2015(**SB**)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

None appears for the applicants in all these cases. S/Shri A.M. Goghre, A.P. Potnis & H.K. Pande, learned Presenting Officers for the respective respondents in respective cases, were present.

2. Since nobody appeared for the applicants in all these cases, S.O. after DIWALI VACATION.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD



O.A. No. 659/2016(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri A.B. Mirza, learned counsel for the applicant (**absent**). Shri V.A. Kulkarni, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. after DIWALI VACATION.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 704/2016(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri S.P. Palshikar, learned counsel for the applicant (**absent**). Shri A.M. Ghogre, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. after DIWALI VACATION.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 98/2017(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri R.V. Shiralkar, learned counsel for the applicant (**absent**). Shri V.A. Kulkarni, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. after DIWALI VACATION.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 89/2017 WITH O.A.  
No. 193/2017(**SB**)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Ms. P.M. Mane, learned counsel holding for Shri S.D. Chande, learned counsel for the applicants in both these cases and S/Shri Shrikant Deo & S.A. Sanis, learned Chief Presenting Officer and learned Presenting Officer for the respective respondents in respective respondents.

2. At the request and by consent of both the parties, S.O. 11.11.2019.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 240/2017(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Heard Shri Barun Kumar, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for the respondents.

2. It is submitted that the representation is made by the applicant on 6.7.2015 to the respondent No. 2 – the Commissioner and Registrar, Cooperative Societies, M.S., Pune, Annexure 'A-9', page-39 of the paper book of O.A. Respondent No. 2 has called remarks from the respondent No. 1 and thereafter respondent No. 2 has forwarded the representation along with remarks to the respondent No. 1 for the suitable order. In this background, respondent No. 1 is directed to take decision on the representation dated 6.7.2018 filed by the applicant within a period of 30 days from the date of this order.

3. S.O. 18.11.2019.

4. Steno copy is allowed for the use of learned Presenting Officer.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 265/2017(**SB**)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri N.B. Khamborkar, learned counsel for the applicant (**absent**). Shri M.I. Khan, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. 05.11.2019 for hearing.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 784/2017(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri S.U. Bhuyar, learned counsel for the applicant (**absent**). Shri S.A. Sanis, learned Presenting Officer for the respondents, present.

2. On perusal of the present Original Application, it appears that the applicant is claiming relief of reinstatement in service on the post of Senior Clerk. Therefore, the present O.A. required to be heard by the Division Bench. Hence, the present O.A. be removed from the board. The learned counsel for the applicant is at liberty to circulate the present case before the Division Bench, as and when occasion arises..

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD

O.A. No. 803/2017(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,  
MEMBER (J)**

**Dated : 16.10.2019**

Shri A.P. Shirsagar, learned counsel for the applicant (**absent**). Shri A.M. Khadatkar, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. after DIWALI VACATION.

**MEMBER (J)**

ORAL ORDERS 16.10.2019-SB-HDD



O.A. 579/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri S.M. Bhagde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R.4.

At the request of Id. counsel for the applicant, **S.O. 6/11/2019.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. 58/2014 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 8.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2 to 8, returnable **in four weeks**. Hamdast allowed.

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. Respondent is 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** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. four weeks..**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 68/2016 (D.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

**C.A. 393/2019 -**

Heard Mrs. G. Venkatraman, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A.No.393/2019 is allowed.

**O.A. 68/2016 -**

Heard Mrs. G. Venkatraman, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. We have perused the advertisement dated 7/11/2007. So far as the post of Safaigar (I Qkxkj) is concerned, in all columns relating to social reservations and the post for Open category marked as "0" and in the last column the total number of posts shown as "7". In this regard, it is necessary to hear the Officer who published the advertisement for the recruitment to clarify.

**S.O. 11/11/2019.**

**Member (J)**  
**Chairman**

dnk.

**Vice-**

**O.A. 434/2017 with C.A. 397/2019  
(D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

In view of the C.A. No.397/2019 the O.A. stands disposed of as withdrawn with no order as to costs.

The C.A.No.397/2019 also stands disposed of accordingly.

**Member (J)**  
**Chairman**

dnk.

**Vice-**

O.A. 435/2017 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri G.G. Bade, Id .counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1. It is taken on record. Copy is served to the learned counsel for the applicants. The learned P.O. submitted that reply of R-1 is sufficient to decide the matter. Therefore, the matter is **admitted** and it be kept for final hearing.

The learned P.O. waives notice for the respondents.

**S.O. After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 826/2018 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri G.G. Bade,, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. four weeks** for filing reply.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 28/2019 (D.B.)

**Coram:** Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)

**Dated :** 16/10/2019.

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-8. It is taken on record. Copy is served on the applicant.

At the request of Id. P.O., **S.O. After Vacation** for filing reply on behalf of other respondents.

**Member (J)**  
**Chairman**

**Vice-**

dnk.



O.A. 208/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.N. Dandekar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for other respondents.

The learned P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

The learned P.O. submitted that the reply of R-1 to 3 is sufficient to decide the matter and therefore the matter is **admitted** and it be kept for final hearing.

The learned P.O. waives notice for R-1 to 3.

**S.O. 18/11/2019.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. 427/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri P.N. Shende, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. None for R-3&4.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 528/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned counsel for the applicant submitted that respondent no.2 is served and he will file service affidavit to that effect.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 453/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri D.R. Bhoyar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacaton** for filing reply.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 743/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

The learned counsel for the applicant submitted that respondent no.2 is served and he will file service affidavit to that effect.

At the request of Id. C.P.O., **S.O. four weeks** for filing reply.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 313/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The matter is **admitted** and it be kept for final hearing.

The learned P.O. waives notice for the respondents.

**S.O. 14/11/2019.**

Put up this matter along with O.A.356/2019.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 356/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.P. Palshikar, Id. counsel  
for the applicant and Shri A.M. Ghogre, Id.  
P.O. for the respondents.

**S.O. 14/11/2019.**

Put up this matter along with  
O.A.313/2019.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 842/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.B. Tiwari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

The learned counsel for the applicant submitted that the applicant is intending to withdraw the O.A. Permission is granted to withdraw the O.A.

The O.A. stands disposed of as withdrawn. No order as to costs.

**Member (J)**  
**Chairman**

**Vice-**

dnk.



O.A. 650/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. From the record it appears that in the earlier order dated 26/09/2019 in para-2 the following observations were made –

*“Learned Presenting Officer for the respondents is directed to file affidavit in reply positively after two weeks and to show cause by the D.E. not concluded within time limit as per the directions issued by the Hon’ble Apex Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi and another** reported in **(2015) 16 Supreme Court Cases 415**. On failure of the respondents to file affidavit in reply or clarifying the cogent*

*reasons for not completing the enquiry, the matter would be finally decided on the next date.”*

3. However, today also no reply is filed by the respondents and the learned P.O desires further time to file reply.

4. However, it is pointed out that the charge sheet was served on 6/5/2017 (Annex-A-1,P-17) on the applicant and even after lapsed of more than two years period nothing has been done which is totally against the order of Hon'ble Apex Court, where clear direction has been given to complete the departmental enquiry within six months period or in any case maximum time limit is given to the extent of one year for completing the enquiry. In this case the respondents have not followed the direction of Hon'ble Apex Court and they are not filing reply also before this Tribunal even after earlier order dated 26/9/2019.

5. In view of this, the respondents are directed to complete the enquiry within three months from the date of this order or else the departmental enquiry will become infructuous and no action will be taken against the applicant according to this departmental enquiry.

**S.O. after three months.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. 114/2018 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.S. Shingane, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The applicant has been terminated for not producing Caste Certificate of Scheduled Caste. The learned P.O. is directed to produce ~~for~~ ~~the~~ ~~year~~ of the year 1983,1984 & 1985.

3. The learned counsel for the applicant is also directed to contact his client for approaching before the Committee for verification of Caste Certificate.

**S.O. 13/11/2019 (PH).**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. 464/2018 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri T. Parmar, Id .counsel for the applicant, shri V.A. Kulkarni, Id. P.O. for R-1&2 and Ms. M. Podani, Id. counsel holding for R. Joshi, Id. counsel for R-3.

At the request of Id. P.O. as well as Id. counsel for R-3, **S.O. two weeks.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 858/2018 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri R.S. Khobragade, Id  
.counsel for the applicant and Shri M.I. Khan,  
Id. P.O. for the respondents.

**Closed for orders.**

**Member (J)  
Chairman**

**Vice-**

dnk.

O.A. 897/2017 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Heard Shri S.P. Palshikar, Id .counsel  
for the applicant and Shri V.A. Kulkarni, Id.  
P.O. for the respondents.

**Closed for orders.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 32/2016 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

None for the applicant. Shri A.M.  
Khadatkar, Id. P.O. for the respondents.

**S.O. in due course.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 647/2016 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/10/2019.**

Shri S.U. Ambagade, Id. counsel for  
the applicant and Shri A.M. Khadatkar, Id.  
P.O. for the respondents.

At the request of learned counsel for  
the applicant, **S.O. in course.**

**Member (J)**  
**Chairman**

**Vice-**

dnk. \*\*\*



O.A.No.792/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

**C.A.No.38/2017:-**

Heard Shri S.S.Shingane, the Id. Counsel for the applicant and Shri A.M.Ghogle, the Id. P.O. for the respondents.

2. The Id. P.O. desires time to take instructions as per the Tribunal order dated 01/10/2019.

**3. S.O. After Diwali Vacation.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**

O.A.No.167/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

None for the applicant. Shri S.A.Deo, the Id. C.P.O. for the State and Shri JJ.Alkari, the Id. counsel for the respondent nos. 2 & 3.

2. The Id. counsel for the respondent nos. 2 & 3 i.e. for V.I.D.C. has already filed reply. The Id. P.O. submits that V.I.D.C. reply is sufficient.

3. Matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notice for the State.

5. **S.O. in due course.**

**Vice**

**Chairman**

**Date:-16/10/2019.**

aps.

O.A.No.184/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. in due course.**

6. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice**

**Chairman**

**Date:-16/10/2019.**

aps.

O.A.No.253/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

None for the applicant. Shri A.M.Ghogre,  
the Id. P.O. for the respondents.

2. The Id. P.O. submits that during the  
course of the day he will file reply of respondent  
no. 2 and supply the same to the other side.

3. Matter is **admitted** and kept for final  
hearing.

4. The Id. P.O. waives notices for the  
respondents.

5. **S.O. in due course.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**

**O.A.St.No.1480/2019**

**(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/2019.**

**C.A.Nos. 272 & 273/2019:-**

Heard Shri R.D.Damle, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. As pointed out by Id. counsel for the applicant, applicant is compulsorily retired and son grievance is to get the appointment on compassionate ground. Both the issues are totally different.

3. Hence, **C.A. Nos. 272 & 273/2019 as well as O.A.St. 1480/2019 is disposed of with no order as to costs.**

4. *The Id. counsel for the applicant is at liberty to file separate O.As. for both the issues.*

**Vice**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**O.A.No.578/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri S.S.Shingane, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 15/11/2019.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**

**O.A.St.No.1557/2019**

**(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

**C.A.No.289/2019:-**

Heard Shri S.P.Chavhan holding for Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Smt. J.J.Alkari, filed vakalatnama on behalf of the respondent nos. 2 & 3.

2. The Id. counsel for the respondent nos. 2 & 3 filed the reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant is at liberty to file Rejoinder, if any.

**4. S.O. After Diwali Vacation.**

**Vice**

**Chairman**

**Date:-16/10/2019.**

aps.

O.A.No.599/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

None for the applicant. Shri A.M.Ghogre,  
the Id. P.O. for the respondents.

**2. S.O. After Diwali Vacation.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**



**O.A.No.608/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri S.P.Chavhan holding for Shri A.Girdekar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Notice is yet not collected by applicant for respondent no. 2.

2. Notice is yet not collected by applicant for respondent no. 2. However, two weeks time is granted to collect the notice and serve the same otherwise O.A. will be dismissed.

3. **S.O. two weeks.**

**Vice**

**Chairman**  
**Date:-16/10/2019.**  
aps.

O.A.No.611/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. As per the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**

O.A.No.529/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. As per the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

**Vice**

**Chairman**  
**Date:-16/10/2019.**  
aps.

O.A.No.744/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/2019.**

**C.A.No.360/2019:-**

Heard Shri S.C.Deshmukh holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent no. 2.

2. **C.A. No. 360/2019 for Jt. O.A. is allowed.**

3. The Id. P.O. desires time to file reply. **S.O. four weeks.**

**Vice**

**Chairman**

**Date:-16/10/2019.**

aps.

O.A.No.714/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/2019.**

None for the applicant. Shri A.M.Ghogre,  
the Id. P.O. for the respondents.

2. As submitted by Id. P.O., matter is  
**admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the  
respondents.

4. **S.O. in due course.**

**Vice**

**Chairman**  
**Date:-16/10/2019.**  
aps.

O.A.No.415/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. As per the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**

**O.A.No.71/17withC.A.No.41/2017(S.  
B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :16/10/2019.**

Heard Shri S.P.Palshikar, the Id. Counsel  
for the applicant and Shri A.M.Ghogre, the Id. P.O.  
for the respondents.

2. As per the request of Id. counsel for the  
applicant, **S.O. 18/10/2019.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**

**O.A.No.85/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

None for the applicant. Shri V.A.Kulkarni,  
the Id. P.O. for the respondents.

2. As suggested by Id. P.O. matter will be  
heard next time to hear the side of applicant.  
However, following facts are pointed out:-

*"The applicant was appointed on 06/02/1985  
and he is demanding first time bound promotion from  
06/02/1997; though that time he had not passed  
Revenue Qualifying Examination. After passing Revenue  
Qualifying Examination, he got first time bound  
promotion on 06/02/1999. Subsequently, applicant  
approached to this Tribunal by filing O.A. No. 270/2016.  
In this O.A., detail order was passed on 23/06/2017 and  
O.A. was allowed. The applicant was given second time  
bound promotion from 06/02/2011 as per M.A.T. order  
in O.A.No. 270/2016. This applicant accepted the  
decision in O.A. No. 270/2016, got all the benefits and  
retired on 31/08/2016 in last O.A. He never challenged  
first time bound promotion given to him dated  
06/02/1999.*

*Now, in the new O.A. i.e. 85/2018, applicant is  
demanding first time bound promotion from  
06/02/1997 and second time bound promotion from  
06/02/2009. It seems that decision given by this  
Tribunal in O.A. No. 270/2016 will have to be first  
quashed, for which this Bench does not have power.  
Second point is that in Judicial process the matter is  
covered by constructive Res Judicata, as per that the*



*order passed in the previous O.A. has attained the finality and now the applicant cannot turn round and say that, that order is wrong when in fact the same order was passed on the basis of the submissions of the applicant only. It seems that he accepted all the terms and conditions."*

3. However, to hear the Id. counsel for the applicant as suggested by Id. P.O. matter will be heard after vacation.

4. **S.O. 04/11/2019.**

5. *Matter be treated as P.H.*

**Vice**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**O.A.No.73/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4 and Shri A.Y.Kapgate, the Id. P.O. for the respondent no. 5.

2. At the request of Id. counsel for the applicant, **S.O. tomorrow i.e. 17/10/2019.**

**Vice**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has invited my attention on Annexure-A-4, P.B., Pg. No. 18 in first paragraph of this letter, it is mentioned that :-

"i=kr R; k; k ukkl elj Lrblk 3 e/; s ueq dly; k inkjhy Lrblk 4 e/; s ueq dly; k fnukdkl kl u LFK; h 'kk dh; depljh Eg. lu l etystk.; kl ik= vlg:-"

3. In case of applicant that relevant date mentioned is 30/06/1992. However, as per Id. counsel for the applicant, the applicant was given first time bound promotion on 13/12/2005. The Id. counsel for the applicant submits that as per this letter i.e. Annexure-A-4, P.B., Pg. No. 18 and observations given in paragraph of the letter; the applicant was entitled for first time bound promotion from 30/06/2004 and subsequently he should have been also given second time bound promotion from 30/06/2016 before his retirement.

4. The Id. P.O. is directed to take instructions from the department regarding the date mentioned against the applicant on

document at Annexure-A-4, P.B., Pg. No. 18 i.e. 30/06/1992. In what contexts this date is mentioned against the applicant. Second observation raised by the Id. P.O. is that applicant never challenged first time bound promotion given on 13/12/2005. Ideally, applicant should have challenged first time bound promotion, as on today his case becomes time barred.

**5. S.O. 11/11/2019.**

**6. Matter be treated as P.H..**

**Vice**

**Chairman**

**Date:-16/10/2019.**

aps.

O.A.No.292/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/10/ 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. As per the request of Id. counsel for the applicant, **S.O. 18/10/2019.**

**Chairman**  
**Date:-16/10/2019.**  
aps.

**Vice**