

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram,
Appearances, Tribunal's orders or
discussions and Registrar's orders

Tribunal's orders

O.A.995/2018

Shri J.N. Gosavi & Ors.

... Applicants

Vs.

The State of Mah. & ors.

... Respondents

1. Heard Shri V.P. Potbhare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.

2. In the present O.A, the directions are sought to include the names of Applicants in the select list dated 26.10.2018 prepared for grant of promotion by considering the initial date of absorption as 26.10.2010 by correcting the seniority lists published in the year 2017 as well as 2018 of the State Government employees of Grade 'C' in Accounts and Audit Branch.

3. As such, the issue raised in the matter pertains to seniority list as well as promotion list prepared by Respondent Nos.3 and 4.

4. Learned Advocate for the Applicants prayed for interim relief on the ground that, if promotions are made on the basis of select list dated 26.10.2018, then in that event, the Applicants would be the sufferer.

5. Whereas, learned C.P.O. sought time to file reply in detail, as the matter pertains to seniority and entitlement to promotion.

6. At this juncture, without making any comment on the merit, it is enough to observe that any promotions, if made, on the basis of select list dated 26.10.2018 would be always subject to the outcome of this O.A. This will take care of the Applicants' apprehension of denial to promotions, if later found entitled to be included in the list.

7. In view of above, issue notice returnable on 20th December, 2018.

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

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

10. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

11. The service may be done by Hand Delivery / Speed Post / Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. S.O. to 20th December, 2018. Hamdast and Steno-copy allowed.

DATE: 16/11/18

CORAM

Honble Shri. A. P. Kurhekar, Member (J)

APPEARANCE

By V. P. Potbhare

Authorise for the Applicant

By Ms. S. P. Manchekar

Authorise for the Respondent/s

Adj./S.O. to 20/12/18
Hamdast and Steno-
copy allowed.

[Signature]

Sd/-

(A.P. Kurhekar)
Member-J
16.11.2018

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>16/11/18</u></p> <p>CORAM Hon'ble Shri. A. P. Kurhekar, Member (J)</p> <p>APPEARANCE Shri. <u>V.P. Potbhare</u></p> <p>Advocate for the Applicant <u>Ms. S.P. Manchekar</u></p> <p>Advocate for the Respondent/s <u>As allowed.</u></p> <p><u>M.A. 593/18</u></p> <p><u>is allowed.</u></p> <p><i>[Signature]</i></p>	<p><u>M.A.593/2018 in O.A.995/2018</u></p> <p>Shri J.N. Gosavi & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri V.P. Potbhare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.</p> <p>5. M.A.No.593/2018 is allowed.</p> <p>Sd/- (A.P. Kurhekar) Member-J 16.11.2018</p> <p>(skw)</p>