

ORIGINAL APPLICATION NO. 366/2023
(Shri Nitin Bhimrao Kolekar Vs. the state of Maharashtra & Ors.)

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

DATE : 9.5.2023

ORAL ORDER (D.B. Matter) (VACATION COURT):

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant on one hand, Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 & 2 and Shri Ajay S. Deshpande, learned counsel for private respondent nos. 3 & 4 on the other hand.

2. The learned Presenting Officer for respondent nos. 1 & 2 and the learned counsel for respondent nos. 3 & 4 opposed for grant of any interim relief in favour of the applicant. The learned counsel for respondent nos. 3 & 4 has placed on record written notes of submissions on behalf of respondent nos. 3 & 4, who are also caveators.

3. The Original Application is filed challenging the order of reversion of the applicant dated 20.3.2023 (Annex. A.30) from the post of Superintending Industries Officer, Group-A to the post of Deputy Director of Industries (Technical), Group-A. The applicant is also challenging the impugned

Government Resolution dated 3.1.2023 (Annex. A-23) effecting change in the date of completion of probation of the applicant from 4.2.2015 to 6.6.2019 and the final seniority list of the cadre of Superintending Industries Officer, Group-A as on 1.1.2022 published on 3.1.2023 (Annex. A-24) adversely affecting the applicant.

4. The applicant entered into services of the State Government on 24.7.2012 as direct recruit on the post of Deputy Director of Industries (Technical), Group-A upon being appointed by respondent no. 1 vide appointment order dated 24.7.2012 (Annex. A-2), through the M.P.S.C. The applicant could not pass the prescribed departmental examination within stipulated period/chances and therefore, he requested the respondent no. 1 to grant him special chance for appearing in the said examination and clear the same. Special chance was granted to the applicant by the Hon'ble Chief Minister on humanitarian ground. While granting such permission no adverse condition was put on the applicant regarding loss of seniority in the cadre of Deputy Directors of Industries (Technical).

::-3-::

O.A. NO. 366/2023

5. It is contended that bare reading of the Maharashtra Directorate of Industries, Class-I and Class-II Officers Departmental Examination Rules, 1984 (Annex. A-4) would show that those rules do not provide for the consequences of loss of seniority due to failure to pass the departmental examination within the stipulated period/chances. The applicant was promoted to the post of Superintending Industries Officer, Group-A, vide order dated 15.9.2021 (Annex. A-15).

6. In spite of above-said factual background, the respondent no. 1 took actions against the applicant by way of issuing impugned G.R. dated 3.1.2023 (Annex. A-3) effecting change in the date of completion of probation of the applicant adversely and issuing the impugned G.R. dated 3.1.2022 (Annex. A-24) adversely affecting his seniority in the cadre of Superintending Industries Officer, Group-A and consequently issuing the impugned reversion order dated 20.3.2023 (Annex. A-30), which has caused serious injustice to the applicant. In the circumstances, the applicant prays for interim relief in terms of prayer clause 12(F), which as follows :-

“12. The Applicant, therefore, prays that,
(F) Pending the admission, hearing and final disposal of this Original application the effect, operation and implementation of the impugned order of the applicant dated 20.3.2023 (Annex A-30) issued by respondent no. 1 may kindly be stayed with further directions to the Respondents to permit the applicant to discharge duties attached to the post of Superintending Industries Officer.”

7. The learned counsel for the applicant during the course of argument submitted that adverse action was taken against the applicant at the behest of persons like private respondent nos. 3 & 4, who have failed to approach the Tribunal seeking any redressal as regards the completion of probation period and loss of seniority to the applicant, if any, before this Tribunal. Moreover, he submitted that the impugned order of reversion is issued without following due process of law.

8. To substantiate the ground against the private respondents the learned counsel for the applicant has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Union of India and Others Vs. Chaman Rana and Another, 2018 AIR**

::-5-::

O.A. NO. 366/2023

(SC) 1478, wherein in paragraph nos. 9 & 10 it is observed as under :-

“9. Manifestly, the cause of action first arose to the respondents on the date of initial supersession and again on the date when rejection of their representation was communicated to them, or within reasonable time thereafter. Even if the plea based on Dev Dutt (supra) be considered, the cause of action based thereon accrued on 12.05.2008. There has to be a difference between a cause of action and what is perceived as materials in support of the cause of action. In service matters, especially with regard to promotion, there is always an urgency. The aggrieved must approach the Court at the earliest opportunity, or within a reasonable time thereafter as third party rights accrue in the meantime to those who are subsequently promoted. Such persons continue to work on the promotional post, ensconced in their belief of the protection available to them in service with regard to seniority. Any belated interference with the same is bound to have adverse effect on those already promoted affecting their morale in service also. Additionally, any directions at a belated stage to consider others for promotion with retrospective effect, after considerable time is bound to have serious administrative implications apart from the financial burden on the government that would follow by such orders of promotion.

10. As far back as in P.S. Sadasivaswamy vs. The State of Tamil Nadu, (1975) 1 SCC 152, considering a claim for promotion belated by 14 years, this Court had observed that a period of six months or at the utmost a year would be reasonable time to

approach a court against denial of promotion and that it would be a sound and wise exercise of discretion not to entertain such claims by persons who tried to unsettle the settled matters, which only clog the work of the court impeding it in considering genuine grievances within time in the following words :-

“2..... A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner’s petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant’s petition as well as the appeal.”

9. The learned counsel for the applicant further placed reliance on judgment of the Hon’ble Supreme Court in the case of **Union of India & Another Vs. Narendra Singh, in Appeal (Civil) No. 5865/2007**

decided on 13,12,2007, wherein in paragraph nos. 28, 29 & 30 the Hon'ble Supreme Court has observed as under :-

“28. It is true that the mistake was of the Department and the respondent was promoted though he was not eligible and qualified. But, we cannot countenance the submission of the respondent that the mistake cannot be corrected. Mistakes are mistakes and they can always be corrected by following due process of law. In Indian Council of Agricultural Research & Anr. v. T.K. Suryanarayan & Ors., (1997) 6 SCC 766, it was held that if erroneous promotion is given by wrongly interpreting the rules, the employer cannot be prevented from applying the rules rightly and in correcting the mistake. It may cause hardship to the employees but a court of law cannot ignore Statutory Rules.

29. As observed by us, Statutory Rules provide for passing of Departmental Examination and the Authorities were right in not relaxing the said condition and no fault can be found with the Authorities in insisting for the requirement of law. In the circumstances, the action of the Authorities of correcting the mistake cannot be faulted.

30. True it is that before such an action is taken and a person is actually reverted, he must be given an opportunity to show cause why the proposed action should not be taken. He may be able to satisfy the Authorities that there was no such mistake. But even otherwise, principles of natural justice and fair play require giving of such opportunity to him. But as observed earlier, in the instance case, in accordance with Rule 31-A of the Fundamental

Rules, notice was issued to the respondent-employee, explanation was sought and thereafter the order was passed. The said order, in our considered view, was just, proper and in consonance with law and it ought not to have been set aside by the Tribunal or by the High Court. To that extent, therefore, the orders impugned in this appeal deserve to be set aside.”

10. The learned counsel for the applicant also placed reliance on judgment of the Hon’ble Supreme Court in the case of **Ram Ujarey Vs. Union of India, (1999) 1 SCC 685**, wherein in paragraph no. 17 the Hon’ble Supreme Court has observed as under :-

“17. There is yet another infirmity in the impugned order of reversion. The appellant had been allowed benefit of service rendered by him as Coal Khalasi in the Loco Department from 1964 to 1972 as that period was counted towards his seniority and it was on that basis that he was called for the trade tests which the appellant had passed and was, thereafter, promoted to the posts of Semi-skilled Fitter and Skilled Fitter. If the benefit of service rendered by him from 1964 to 1972 was intended to be withdrawn and promotion orders were to be cancelled as having been passed on account of mistake, the respondents ought to have first given an opportunity of hearing to the appellant. The appellant having earned two promotions after having passed the trade tests, could not have been legally reverted two steps below and brought back to the post of khalasi without being informed that the period of service rendered by him from 1964 to 1972 could not be counted towards his seniority

and, therefore, the promotion orders would be cancelled. In a situation of this nature, it was not open to the respondents to have made up their mind unilaterally on facts which could have been shown by the appellant to be not correct but this chance never came as the appellant, at no stage, was informed of the action which the respondents intended to take against him.”

11. He also placed reliance on order dated 24.1.2023 passed in **O.A. No. 89/2023** (Annex. A-33) in the matter of **Shri S.P. Kolte Vs. the state of Maharashtra & Ors**, wherein in a similarly situated case, the applicant's service was protected against intended reversion.

12. Considering the prayer clause, it is seen that the applicant, in fact, is seeking stay to the reversion order and more particularly seeking to permit him to discharge the duties attached to the post of Superintending Industries Officer, Group-A, which amounts to grant of Status-quo ante, as the applicant has already been relieved from the said post of Superintending Industries Officer, Group-A by further order dated 27.3.2023 (Annex. A-37). The applicant has placed on record copy of the application dated 28.3.2023 (Annex. A-37 collectively

page 228 of paper book) showing that he has proceeded on medical leave. Admittedly, the applicant has not joined on the reverted post.

13. While opposing grant of any interim relief in favour of the applicant, the learned counsel for the respondent nos. 3 & 4 has placed on record the written submissions and has also orally argued supporting the action of reversion of the applicant, contending that the applicant was not at all eligible for promotional post of Superintending Industries Officer, Group-A as he had not passed the departmental examination in permissible 3 attempts as per the Departmental Examination Rules. The 4th chance given to the applicant by the Hon'ble Chief Minister on humanitarian grounds is not at all recognized by any rules. Hence, passing of the Departmental Examination in 4th attempt is of no consequences and in fact the applicant was liable to be discharged from the services.

14. To support his submissions the learned counsel for respondent nos. 3 & 4 has placed reliance on the judgment of the Hon'ble Supreme

Court in the case of **State of Maharashtra Vs. Jagannath Achyut Karandikar, AIR 1989 SC 1133**, wherein the Hon'ble Supreme Court has observed thus :-

“In the instant case the State Government prescribed departmental examinations as a condition precedent for promotion to the cadre of Superintendents. The examinations were required to be conducted every year, and the officials have to pass within the stipulated period. Those who could not pass within the time-frame would lose their seniority but they will be promoted as and when they qualify themselves. The Government for some reason or the other could not hold the examinations every year. The Government, however, did not pass any order extending the period prescribed for passing the examinations, nor promoted the seniors subject to their passing the examination. The juniors who qualified themselves were promoted overlooking the case of seniors and seniors were only promoted upon their passing the examination. In the cadre of Superintendents, however, the Government revised the seniority list so as to reflect the rankings in the lower cadre irrespective of the date of promotion

Held, the person who has not exhausted the available chances to appear in the examination could not be denied of his seniority. It would be unjust, unreasonable and arbitrary to penalise a person for the default of the Government to hold the

examination every year. If the examination was not held in any year, the person who has not exhausted all the permissible chances has a right to have his case considered for promotion even if he has completed 9 years service. The Government instead of promoting such persons in their turn made them to wait till they passed the examination. They were the persons falling into the category of "Late Passing" To remove the hardship caused to them the Government restored their legitimate seniority in the promotional cadre. Therefore there was nothing improper or illegal in the action of the State Govt."

15. The learned Presenting Officer representing the respondent nos. 1 & 2 submitted that the impugned order of reversion, as well as, the G.R. dated 3.1.2023 (Annex. A-23) effecting change in the date of completion of probation from 4.2.2015 to 6.6.2019 and the final seniority list of the cadre of Superintending Industries Officer, Group-A as on 1.1.2022 published on 3.1.2023 are legal & proper and no prima-facie case is made out by the applicant for grant of any interim relief.

16. After having considered the pleadings and the documents & rival submissions on record, in my considered opinion, the limited aspect emerges

before me at this stage is as to whether interim relief as prayed for can be granted in favour of the applicant.

17. It is a fact that the applicant is already relieved from the post of Superintending Industries Officer, Group-A in order to enable him to join on the reverted post i.e. Deputy Director of Industries (Technical), Group-A. The impugned order of reversion does not show that any show cause notice was given to the applicant seeking his explanation before reverting him, but that apart, it appears that the applicant was reverted as the promotion so given to him was not in accordance with law. The said aspect is also required to be considered, which can be done at the time of hearing of the present O.A. At this stage, in my considered opinion, no prima-facie case is made out by the applicant to grant the relief of Status quo ante. Perusal of the relieving order dated 27.3.2023 (Annex. A-37) would show that the charge of the post of Superintending Industries Officer, Group-A, Sub Division Office, Nanded is given to one Shri P.D. Hanbar, Chief Manager, District Industrial Centre, Latur until further order.

18. The learned counsel for the applicant submitted that the Tribunal can consider to grant interim relief/Status quo in respect of Nanded posting till filing of affidavit in reply by the respondents. In my considered opinion the reversion order without issuing show cause notice to the applicant is required to be considered, which can be done at the time of hearing of the present Original Application. In the circumstances, at this stage the interim relief can be granted to the extent of filling of the post of Superintending Industries Officer, Group-A, Sub Division Office, Nanded will be subject to final outcome of the present O.A. It is ordered accordingly.

19. Issue notice to respondents, returnable on 12.6.2023.

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

21. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing

::-15-::

O.A. NO. 366/2023

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.

22. 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.

23. 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.

24. S.O. to 12.6.2023.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 299 OF 2023
(Mayur M. Mahajan Vs. State of Maharashtra & Ors.)
(VACATION COURT) (S.B. MATTER)

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

DATE : 09.05.2023

ORAL ORDER :

Heard Shri S.P. Urgunde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Record shows that during pendency of W.P. No. 5034/2023 preferred by the applicant before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad, the letter dated 02.05.2023 addressed by respondent No. 1 to the learned Government Pleader, High Court, Bench at Aurangabad was placed on record.

3. The above-said W.P. is disposed of by the order dated 03.05.2023 and it is observed that if the situation so occurs, liberty to move the learned Vacation Bench of the Tribunal is granted.

4. In view of the same, learned P.O. is directed to take further instructions from the concerned respondent/s in respect of letter dated 02.05.2023 positively by 11.05.2023 or else the interim relief sought for by the applicant will be taken up for consideration.

5. S.O. to 11.05.2023.

MEMBER (J)

**M.A. No. 224/2023 in O.A. St. No. 881/2023
(Dinesh S. Londhe & Ors. Vs. State of Maharashtra & Ors.)
(VACATION COURT)**

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

DATE : 09.05.2023

ORAL ORDER :

Heard Shri V.U. Pawar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 11.05.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 364 OF 2023
(Dilip R. Adatrao Vs. State of Maharashtra & Ors.)
(VACATION COURT)(D.B. MATTER)

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

DATE : 09.05.2023

ORAL ORDER :

Heard Shri A.S. Bayas, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 07.06.2023.

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.

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. Further process in respect of selection and appointment of the respondent No. 4 pursuant to the select list (Annexure A-8) would be subject to outcome of the present O.A.

8. S.O. to 07.06.2023.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 365 OF 2023
(Trupati Vikram Andhare Vs. State of Maharashtra & Ors.)
(VACATION COURT) (D.B. MATTER)

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

DATE : 09.05.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed seeking to challenge the provisions of Rule 8 introduced by the respondent No. 1 in the Deputy Education Officer Group-B (Gazetted) in the Maharashtra Education Service, (Administrative Branch) (Recruitment), Rules, 2022 published on 28.12.2022 and further seeking direction against the respondent Nos. 1 and 2 not to include the names of persons like the respondent Nos. 3 to 7 working as Superintendents in Maharashtra Education Service, Group-B in the seniority list of the cadre of Deputy Education Officers, Group-B (Gazetted) (Administration Branch).

//2//

O.A. No. 365/2023

3. The learned Advocate for the applicant seeks liberty to correct the designation of “Deputy Education Officers” mentioned in prayer clause 12(F) as “Education Officers”.

4. Liberty as prayed for by the applicant is granted. The applicant shall carry out the necessary correction in the O.A. forthwith.

5. In the facts and circumstances of the case, the applicant is seeking following interim relief in terms of para No. 12 (E) & (F):-

“INTERIM RELIEF

- E) Pending the admission, hearing and final disposal of this Original Application the effect, operation and implementation of the provision contained in Rule 8/ Rule 8 of the Recruitment Rules of 2022 may kindly be stayed and the Resp. Nos. 1 and 2 may kindly be restrained from using the said provision in any manner whatsoever while preparing & publishing the Seniority List/s of the cadre of Deputy Education Officers Group-B (Gazetted) (Administration Branch).*
- F) Pending the admission, hearing and final disposal of this Original Application the Resp. Nos. 1 and 2 may kindly be restrained from effecting any promotion to the cadre of Education Officers Group-B (Gazetted)*

//3//

O.A. No. 365/2023

(Administration Branch) in favour of persons like Resp. Nos. 3 to 7 who are working as Superintendents in the Maharashtra Education Service, Group-B.”

6. The applicant is presently working as Deputy Education Officer (Secondary) under Latur Zilla Parishad. The said post is of Deputy Education Officer Group-B Gazetted post in the Maharashtra Education Service (Administrative Branch). The applicant was appointed on nomination on the said post on 24.08.2011 through Maharashtra Public Service Commission (MPSC). Thereafter in supersession of earlier Rules, the Recruitment Rules for the post of Deputy Education Officer in Maharashtra Education Service, Group-B were published on 29.06.2013 (Annexure A-1) and Recruitment Rules of 2016 on 05.07.2016 (Annexure A-2) and recently Recruitment Rules of 2022 on 28.12.2022 (Annexure A-3). It is averred that in the year 2022, for the first time impugned Rule 8 is incorporated in the said Recruitment Rules, 2022, which is as follows :-

“8. Seniority of the person working on the post of Superintendent, Maharashtra Education Service, Group B, shall be fixed in the cadre of Deputy

//4//

O.A. No. 365/2023

Education Officer and its equivalent posts as per their date of appointment by regular promotion on the post of Superintendent, Maharashtra Education Service, Group B on the date of publication of these rules.”

7. It is the grievance of the applicant that because of this Rule 8, the seniority of the applicant in the cadre of Deputy Education Officer in Maharashtra Education Service, Group-B is affected adversely in the provisional seniority list as of 01.01.2023 (part of Annexure A-6 collectively) published on 21.04.2023. It is the contention of the applicant that in the previous seniority list of Deputy Education Officers and equivalent officers for the period of 01.01.2011 to 31.12.2011 i.e. as of 01.01.2012 published on 21.04.2017 (part of Annexure A-6 collectively), the name of the applicant was at Sr. No. 86.

8. The respondent Nos. 3 to 7 are working on the post of Superintendent, Maharashtra Education Service, Group-B. In the latest provisional seniority list as of 01.01.2023, the names of respondent Nos. 3 to 7 appeared for the first time and they are shown at seniority Nos. 39, 44, 45, 46 & 49 respectively, whereas the name of the applicant is shown at Sr.

//5//

O.A. No. 365/2023

No. 117. Names of respondent Nos. 3 to 7 were not mentioned in the earlier seniority list as of 01.01.2012 mentioned hereinabove. This happened because of introduction of Rule 8 of the said Rules, 2022. It is contended that because of this, further opportunity to the applicant in getting promotion to the post of Education Officer is adversely affected.

9. During the course of arguments, learned Advocate for the applicant was advised to place on record Recruitment Rules for the post of Superintendent, Maharashtra Education Service, Group-B. In that regard, he placed on record the compilation of Rules of various posts. The said Rules are of the year 1971, which include the post of Senior Superintendent in the office of Director of Education and Junior Superintendent in the office of Director of Education of Zilla Parishad. So far as post of Senior Superintendent is concerned, there is no mention whether it belongs to Maharashtra State Service or General State Service, but in case of Junior Superintendent, it is mentioned that it belongs to General State Service. These Rules do not refer the post of Superintendent, Medical Education

//6//

O.A. No. 365/2023

Service, Group-B. In this regard, the respondents can throw light during hearing of the O.A., which would be imminently necessary.

10. In the circumstances as above, in my considered opinion, when the provisional seniority list as of 01.01.2023 of the cadre of Deputy Education Officer, Maharashtra Education Service, Group-B and equivalent and Superintendent, Maharashtra Education Service, Group-B is jointly prepared for the first time showing the applicant below to the persons like respondent Nos. 3 to 7, prima-facie case is made out for grant of interim relief to the extent of directing the respondent Nos. 1 and 2 not to act upon the said provisional seniority list for giving further promotion, when the provisions of Rule 8 of Recruitment Rules, 2022 is under challenge in the present Original Application. Inter-se seniority amongst Deputy Education Officer, Maharashtra Education Service, Group-B, equivalent officers thereof and Superintendent, Maharashtra Education Service issue involved in the present case, which is required to be dealt with in accordance with law.

//7//

O.A. No. 365/2023

11. The applicant has given objection to the provisional seniority list, which is still pending. In view of this also, grant of interim relief becomes necessary. In view of above, the interim relief is granted in terms as stated in above-said paragraph No. 10 till filing of the affidavit in reply by the respondents.

12. Issue notices to the respondents, returnable on 08.06.2023.

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

14. 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.

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

//8//

O.A. No. 365/2023

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

16. 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.

17. S.O. to 08.06.2023.

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

MEMBER (J)