

O.A.St.No.1852/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

C.A.No.308/2018:-

None for the applicant. Shri A.P.Potnis, ld.
P.O. for the respondents. Await service of R-2 & 3.

2. **S.O. six weeks to file service affidavit.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.378/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

C.A.No.36/2019:-

Shri M.R.Khan, ld. Counsel for the applicant
and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. Matter is **admitted** and kept for final hearing.
3. Ld. P.O. waives notice for the respondents.
4. **S.O. four weeks.**
5. Meanwhile ld. Counsel for the applicant is at liberty to file Rejoinder.
6. **I.R. is to be continued.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.967/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Shri N.R.Saboo, ld. Counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks
to file reply as a last chance.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.996/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Shri G.K.Bhusari, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.Nos.83&84/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Smt. R.Sonare, ld. Counsel for the applicant
and Shri A.M.Ghogle, ld. P.O. for the respondents.

2. Ld. P.O. has filed reply on behalf of the
respondent no. 5. It is taken on record. Copy is
served to the other side.

3. Ld. P.O. desires time to take instructions
regarding reply of other respondents.

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

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.893/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

C.A.No.397/2021:-

Shri S.M.Pande holding for Shri S.A.Marathe,
ld. Counsel for the applicant and Shri A.P.Potnis, ld.
P.O. for the respondents.

2. At the request of ld. Counsel for the
applicant, **S.O. next week.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.155/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Shri M.R.Khan, Id. Counsel for the applicant
and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the
respondent no. 2. It is taken on record. Copy is
served to the other side. He further submits that it is
sufficient to decide the matter.

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

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

5. **S.O. four weeks for final hearing.**

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

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.174/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**
Dated : 01/12/2022.

None for the applicant. Shri S.A.Deo, ld. C.P.O.
for the State. Await service of R-2 & 3.

2. **S.O. six weeks.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.743/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.1160/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Shri A.P.Sadavarte, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State. Await service of R- 2 to 6.

2. At the request of Id. P.O., **S.O. four weeks to file service affidavit.**

3. Id. Counsel for the applicant is at liberty to circulate the matter if he feels urgency.

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.1061/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri J.S.Wankhede, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

2. The applicant is a Medical Officer and joined services on 21.01.2009 and in the appointment letter Clause 'ग' is reproduced below:-

“ग. त्यांना खाजगी व्यवसाय करण्यास प्रतिबंध राहिल. त्याऐवजी नियमाप्रमाणे व्यवसाय रोधभत्ता अनुज्ञेय राहिल.”

3. Applicant seeks protection from G.R. dated 07.08.2012. The clauses 4.1, 4.3 to 4.5 & 4.7 of the said G.R. dated 07.08.2012 is already stayed by Hon'ble High Court Bombay, Bench at Nagpur in W.P. No. 1651/2020. Respondents are directed to give the same relief as prayed in prayer clause 3 i.e. Clauses 4.1, 4.3 to 4.5 & 4.7 to the applicant too till returnable date.

4. **S.O. four weeks for reply.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.1062/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

C.A.No.433/2022:-

Heard Shri J.S.Wankhede, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. C.A.No.433/2022 for Jt. O.A. is allowed and disposed of.

3. The applicant is a Medical Officer and joined services on 17.07.2014 (page no. 32) and in the appointment letter Clause 'ज' is reproduced below:-

“ज. त्यांना खाजगी व्यवसाय करण्यास प्रतिबंध राहिल.”

3. Applicant seeks protection from G.R. dated 07.08.2012. The clauses 4.1, 4.3 to 4.5 & 4.7 of the said G.R. dated 07.08.2012 is already stayed by Hon'ble High Court Bombay, Bench at Nagpur in W.P. No. 1651/2020. The ld. Counsel for the applicant has also relied on order in O.A. No. 41/2022 of M.A.T., Nagpur D.B. of this Tribunal. In the said order Clauses 4.1, 4.3 to 4.5 & 4.7 of G.R. dated 07.08.2012 have been stayed till returnable date. In this O.A. applicant was also appointed after G.R. dated 07.08.2012 as submitted by ld. Counsel for the applicant. Respondents are directed to give the same relief as prayed in prayer clause 1 i.e. Clauses 4.1, 4.3 to 4.5 & 4.7 to the applicant too till returnable date.

4. S.O. four weeks for reply.

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.1083/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri G.K.Bhusari holding for Shri P.N.Warjekar, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.St.No.1905/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

C.A.No.363/2022:-

Heard Smt. S.D.Gupta, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O. to file reply on C.A.,
S.O. three weeks to file reply.

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.662/2012 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

C.P.No.38/2017&C.A.No.360/2017:-

Heard Shri N.R.Saboo, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

3. Ld. P.O. submits that he is not appearing for M.P.S.C. because he has no such instructions. Ld. P.O. has already informed to the M.P.S.C. for appearance but M.P.S.C. has not taken any steps.

4. Ld. Counsel for the applicant submits that Secretary, M.P.S.C. was transferred. So, ld. Counsel for the applicant is at liberty to amend the name of Secretary, M.P.S.C. in the Contempt Petition. He is further directed to supply the copy of the same to the other side.

5. Office is directed to issue notice to the amended part.

6. Meanwhile, M.P.S.C. is directed to take steps to comply the order passed by the Tribunal.

7. **S.O. 12.12.2022.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

C.P.No.69/2022inO.A.No.570/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri V.R.Borkar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Ld. P.O. has filed letter dated 17.11.2022. It is taken on record. Copy is served to the other side. By this letter it appears that some part of retiral benefits are already been paid. As per statement made by ld. P.O. he is intending to pay the remaining part.

3. At the request of ld. P.O., **S.O. two weeks.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.107/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri N.A.Jachak, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. By consent of both the counsels' matter is **admitted** and kept for final hearing.

3. Ld. P.O. waives notice for the respondents.

4. At the request of ld. P.O., **S.O. four weeks for final hearing.**

5. **I.R. granted on 14.02.2020 is to be continued.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.64/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. Closed for orders at the stage of admission.

**Member(J)
Date:-01/12/2022.
aps.**

Vice Chairman

C.P.No.04/2019inO.A.No.378/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

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

2. On oral request made by the Id. Counsel for the applicant, **C.P. stands disposed of as withdrawn.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.1134/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. Issue notice to Respondents, returnable on three weeks. Learned C.P.O. waives notice for R-1. 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.

8. **S.O. three weeks.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.638/2017 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri M.Deo holding for Shri R.Joshi, ld. Counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents and Shri A.R.Fule, ld. Counsel for the R-2.

2. At the request of ld. Counsel for the applicant, **S.O. 08.12.2022.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.946/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri K.P.Mahalle, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 09.12.2022.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.150/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. two weeks.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri M.R.Puranik, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. In this O.A. orders at annexures A-1, A-2 and A-6 have been impugned.

3. Record shows that the applicant was dealt with departmentally and punishments were imposed by passing orders which are at Annexures A-1 & A-2. In furtherance of orders at A-1 & A-2 order at A-6 appears to have been passed.

4. It is submitted on behalf of the applicant that against orders at Annexures A-1 & A-2 he has preferred appeals (A-3 & A-4 respectively) and during pendency of these appeals, without giving hearing to the applicant, order at A-6 came to be passed.

5. On behalf of the applicant attention is also invited to judgment dated 17.02.2016 passed by this Tribunal in O.A. No. 782/2015. Said O.A. was disposed of by directing respondent no. 2 to decide the appeals of the applicant within three months from the date of receipt of the order.

6. Grievance of the applicant is that inspite of order dated 17.02.2016 passed in O.A. No. 782/2015 his appeals have not been decided so far by

respondent no. 2. Though respondent no. 2 was directed to decide the appeals within three months, even after expiry of more than six years the appeals have not been decided.

7. There appears to be some dispute as to who should decide the appeals preferred by the applicant i.e. whether respondent no. 1 should decide the appeals or whether the respondent no. 2 should decide the appeals. Ld. Counsel for the applicant as well as ld. P.O. shall make a statement on this point tomorrow.

8. **S.O. 02.12.2022.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.127/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri P.V.Thakre, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. **Closed for orders.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.386/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.12.2022 for final hearing.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

R.A.No.17/15 in O.A.No.777/2012 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri A.Z.Jibhkate, ld. Counsel for the applicant, Shri H.K.Pande, ld. P.O. for the respondents and Shri K.S.Motwani, ld. Counsel for the respondent no. 4.

2. At the request of ld. P.O., **S.O. 07.12.2022 for final hearing.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.652/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 01/12/2022.

Heard Shri J.S.Wankhede, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Ld. Counsel for the applicant submits that this O.A. is identical to O.A. Nos. 1061 & 1062/2022. However, ld. C.P.O. submits that he will verify before next date of hearing.

3. At the request of ld. C.P.O., **S.O. four weeks for final hearing.**

Member(J)
Date:-01/12/2022.
aps.

Vice Chairman

O.A.No.1039/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :01/12/2022.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. Monday i.e. 05.12.2022.**

Date:-01/12/2022.
aps.

Member (J)

C.A.492/22inRev.St.2524/22inO.A.53/19 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :01/12/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State.

2. Ld. Counsel for the applicant has filed W.P. No. 2324/2020 and as per submission of ld. Counsel for the applicant Hon'ble High Court passed the order on 18.10.2022 disposing the W.P. as withdrawn with liberty to file review application before M.A.T..

3. In view of Hon'ble High Court order, ld. Counsel for the applicant has filed review application. Ld. Counsel for the applicant has filed C.A. No. 492/2022 for condonation of delay. In view of Hon'ble High Court direction, **C.A. No. 492/2022 is allowed and disposed of**, delay is condoned.

4. Issue notice to Respondents, returnable on three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. three weeks.**

Vice Chairman

Date:-01/12/2022.
aps.