

O.A.Nos.1013,1014&1015/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Ms. S.Maraskolhe holding for Shri P.A.Jibhkate, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents. None for the R-5.

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

Date:-10/02/2022.
aps.

Vice Chairman

O.A.No.556/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

C.A.No.300/2019:-

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. P.O. for the respondents and Shri M.A.Sable, the Id. counsel for the R-3.

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.838/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Smt. K.N.Saboo, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri D.M.Kale, the Id. counsel for the R-3.

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.17/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Ms. S.Maraskolhe holding for Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. 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. 1st Week of March, 2022.**

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.655/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Smt. Sonal Tripathi holding for Shri D.I.Charlewar, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri M.A.Sable, the Id. counsel for the R-3 & 4.

2. The Id. counsel for the applicant submits that today she is going to file service affidavit. At the request of Id. C.P.O., **S.O. four weeks to file reply.**

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.180/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the respondents.

2. None for the applicant during last hearing
also. **S.O. four weeks.**

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.388/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. 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. 1st Week of March, 2022.**

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

7. *I.R. dated 20.05.2021 in para no. 3 is to be continued till next date.*

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.397/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

None for the applicant. Shri S.A.Sainis, the Id.
P.O. for the respondents.

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.512/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

None for the applicant. Shri S.A.Sainis, the Id.
P.O. for the respondents.

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.577/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

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

2. The Id. P.O. desires three weeks time to file reply. **S.O. three weeks to file reply as a last chance.**

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.635/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

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

2. At the request of Id. P.O., **S.O. 14.03.2022 to file reply.**

Date:-10/02/2022.
aps.

Vice Chairman

O.A.No.972/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Shri M.R.Khan holding for Shri T.M.Zaheer, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. one week to file service affidavit. At the request of Id. P.O., further three weeks time to file reply.**

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.1086/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

None for the applicant. Shri S.A.Sainis, the Id.
P.O. for the respondents.

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

Date:-10/02/2022.
aps.

Vice Chairman

O.A.Nos.707&708/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. 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. 2nd March, 2022.**

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

Vice Chairman

Date:-10/02/2022.
aps.

O.A.No.131/2022 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned 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. four weeks.**

Vice Chairman

Date:-10/02/2022.

aps.

O.A.No.149/2022 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It is contention of the applicant that he is in service since long and thereafter G.R. dated 21.12.2019 is issued by the Government and in pursuance of the G.R., the respondent no. 3 has passed the order dated 27.01.2022 giving appointment to the applicant only for a period of 11 months. The said order has been passed without giving an opportunity of hearing to the applicant. It is submitted that in similar matters interim relief is granted to the applicants. In view of the facts on the ground of parity **the interim stay is granted to the order dated 27.01.2022 till filing of the reply.**

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

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

5. 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.

6. 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.

7. 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.

8. 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.

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

10. **Steno copy is granted.**

Vice Chairman

Date:-10/02/2022.

aps.

O.A.No.156/2022 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/ 2022.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As submission made by Id. counsel for the applicant, applicant is a physically challenged employee and he aspires to get promotion in the category of physically challenged against the post which is likely fall vacant due to retirement of one Shri Rajesh Ramchandra Shewale on superannuation on 30.04.2022 (para no. 4.14 page no. 10 of original application).

3. Till the person retires, we do not see any reason that any cause has arisen to the applicant. After the post becomes vacant and if applicant is not given any promotion as per rule then cause will arise, then the Id. counsel for the applicant can approach to the Tribunal. As on today, it is pre-mature original application as pointed out by Id. C.P.O..

4. It is pre mature original application. After, it was explained by Bench to Id. counsel for the applicant submitted to withdraw the O.A. at this stage.

5. Hence, **O.A. is disposed of as withdrawn**

with no order as to costs.

Date:-10/02/2022.
aps.

Vice Chairman

C.P.No. 23/2021 in O.A.No. 278/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 10/02/2022.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed pursis dated 10.02.2022 which is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is supplied to the other side. In this pursis they have admitted that Rs. 76,673/- (para no. 2) excess payment have been made to the applicant due to wrong fixation of pay. Subsequently, the matter was examined by Pay Verification Unit, Nagpur and vide letter dated 09.02.2022 (mark Exh. X-1), Accountant, Pay Verification Unit, Nagpur has clearly written that because of wrong fixation excess amount of Rs. 76,673/- is paid to the applicant. The letter is attached along with the pursis and marked Exh. "X-1" for the purpose of identification.

3. *Prima facie* as per following settled Judgement of **Hon'ble Apex Court in case of State Of Punjab & Ors vs. Rafiq Masih (White Washer) decided on 18 December, 2014** in Civil Appeal No. 11527 OF 2014 (Arising out of SLP(C) No. 11684 of 2012) recovery cannot be done. Para no. 12 of the said Judgment is reproduced below:-

"12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

4. Though the applicant is covered by the above Hon'ble Apex Court's order para no. 12 (i & ii). The Id. P.O. desires to take instructions from the department that whether any undertaking was taken by the applicant to refund the excess payment or not for that purpose he is asking two weeks time. If undertaking is not taken then recovery cannot be done.

5. **S.O. two weeks.**

Vice Chairman

Date:-10/02/2022.

aps.

O.A.No.727/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 10/02/2022.

Shri S.C.Deshmukh, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. As pointed out by Id. counsel for the applicant, interim relief was granted on 03.09.2021 (para no. 4) and it was continued vide order dated 18.01.2022 till next date of hearing. Subsequently, by general order it was extended till 11.02.2022. Now since as on today hearing party matters are not taken on board. The interim relief granted on 03.09.2021 (para no. 4) and continued by order dated 18.01.2022 will be continued till further order.

Vice Chairman

Date:-10/02/2022.
aps.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

C.A. 333/2021 in O.A. 754/2021 -

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. Next week.**

Member (J).

dnk.

O.A. 185/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

2. It appears that on the earlier date four weeks time was granted to file reply as a last chance. Today also Id. P.O. seeks time to file reply.

3. The respondents are directed to file reply on the next date without fail. It is made clear that if the reply is not filed on the next date, the matter will be proceeded for hearing.

S.O. 28/2/2022.

Steno copy is granted...

Member (J).

dnk.

O.A. 447/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

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

Member (J).

dnk.

O.A. 1052/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is given to the applicant.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 to 4.

S.O. 24/2/2022.

Member (J).

dnk.

O.A. 392/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

At the request of Id. P.O., **S.O. two weeks** for filing reply as a last chance.

Member (J).

dnk.

O.A. 395/2021 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 10/02/2022.

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

At the request of Id. P.O., **S.O. two weeks** for filing reply as a last chance.

Member (J).

dnk.

O.A. 01/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri S.S. Ghate, Id. counsel for R-3.

With the consent of Id. counsel for the applicant, **S.O. 14/02/2022.**

Member (J).

dnk.

Rev. A. 01/22 in O.A. 421/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri M.I. Khan, Id. counsel for the applicants (Org. respts.) and Shri R.M. Fating, Id. counsel for the respondent (Org. applicant).

S.O. 15/02/2022 for hearing.

Member (J).

dnk.

O.A. 168/2022 (S.B.)

(S.B. Giri Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri S.S. Ghatge, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As per the submission of Id. counsel for the applicant, the applicant was appointed as RFO and thereafter he was promoted as ACF vide order dated 16/9/2019. The Id. counsel has submitted that the applicant was not arrested in the crime, he is released on anticipatory bail by the Hon'ble High Court.

3. The Id. counsel for the applicant submitted that the respondent no.2 is not appointing authority, he has no power to suspend the applicant.

4. Heard Id. CPO. He has pointed out the Rule 4 of the Maharashtra Civil Services (Disciplinary & Appeal) Rules, 1979. The offence punishable under the Prevention of Corruption Act is serious offence and therefore the applicant is placed under suspension. At this stage it cannot be said that the suspension order is illegal.

5. The Id. CPO is directed to show on the next date as to whether the respondent no.2 is authorised to suspend the applicant in view of the Rule 4 of the Maharashtra Civil Services (Disciplinary & Appeal) Rules, 1979.

6. Issue notice to the respondents returnable **after two weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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. after two weeks

Steno copy is granted...

Member (J).

dnk.

O.A. 447/2021 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 10/02/2022.

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

The Id. P.O. files reply of R-4. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that reply of R-4 is sufficient to decide the matter.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 472/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri K. Deogade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

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

Member (J).

dnk.

O.A. 481/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

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

Member (J).

dnk.

O.A. 554/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

At the request of Id. P.O., **S.O. one week** for filing reply.

Member (J).

dnk.

O.A. 580/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

The Id. P.O. files reply of R-2&3. It is taken on record. Copy is given to the applicant.

The Id. P.O. submits that the said reply is sufficient to decide the matter.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 586/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

None for the applicant. Shri M.I. Khan,
Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 871/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri S.M. Bhagde, Id. counsel for the
applicant and Shri H.K. Pande, Id. P.O. for R-1.

Await service of R-2&3.

S.O. Next week for filing service
affidavit.

Member (J).

dnk.

O.A. 959/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Smt. R. Deshpande, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two weeks** for filing reply as a last chance.

Member (J).

dnk.

(S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 10/02/2022.

C.A. 369/2021, C.A. 377/2021 in O.A.
974/2021-

Heard Shri A.P. Khadatkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 4. None for other respondents.

The applicant to remove office objections.

Hamdast not collected on C.A.369/2021.

S.O. four weeks.

Member (J).

dnk.

O.A. 942/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

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

Member (J).

dnk.

O.A. 943/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

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

Member (J).

dnk.

O.A. 944/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

The applicant to remove office objections.

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

Member (J).

dnk.

O.A. 945/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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&3.

S.O. three weeks for filing service affidavit.

Member (J).

dnk.

O.A. 946/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2&3.

S.O. three weeks for filing service affidavit.

Member (J).

dnk.

O.A. 1033/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 989/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Shri S.N. Gaikwad, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

The Id. counsel for the applicant seeks time to file service affidavit.

The Id. P.O. seeks time to file reply. Time is granted as prayed for.

S.O. four weeks.

Member (J).

dnk.

O.A. 1141/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

None for the applicant. Shri A.P. Potnis,
Id. P.O .for R-1. Await service of R-2&3.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 07/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3, Shri G.K. Bhusari, Id. counsel for R-4 and Shri D.M. Kale, Id. counsel for R-5 (Intervener).

2. The Id. P.O. files separate reply of R-1&3. Same are taken on record and copies are served to the other side. The Id. P.O. submits that the said reply is sufficient to decide the matter.

3. As per the Tribunal's order dated 4/1/2022 in para-9 the following direction was given –

“(9) There is a dispute as to whether respondent no.4 has taken over charge of his new post. To thrash out this disputed question it would be necessary to call for and go through the record. For the present an order of status-quo would be just and proper. Status-quo shall be maintained till the next date. Respondent no.1 shall produce record so that it may be ascertained whether or not Sub Sections 4 &5 of Section 4 of the Act have been complied with.”

4. The respondents are directed to comply the order dated 4/1/2022 before the next date.

S.O. 24/2/2022.

Interim relief to continue till then.

Put up along with other connected matter.

Member (J).

dnk.

O.A. 08/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for other respondent.

2. The Id. P.O. files separate reply of R-1&2. Same are taken on record and copies are served to the other side. The Id. P.O. submits that the said reply is sufficient to decide the matter.

3. As per the Tribunal's order dated 4/1/2022 in para-9 the following direction was given –

“(9) There is a dispute as to whether the Caveator in connected matter / respondent no.3 in this application has taken over charge of his new post. To thrash out this disputed question it would be necessary to call for and go through the record. For the present an order of status-quo would be just and proper. Status-quo shall be maintained till the next date. Respondent no.1 shall produce record so that it may be ascertained whether or not Sub Sections 4 &5 of Section 4 of the Act have been complied with.”

4. The respondents are directed to comply the order dated 4/1/2022 before the next date.

S.O. 24/2/2022.

Interim relief to continue till then.

Put up along with other connected matter.

Member (J).

dnk.

O.A. 20/2022 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 10/02/2022.

Heard Shri A.P. Tathod, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2.

The Id. P.O .files reply of R-1&2. It is taken on record and copy is given to the other side.

Shri A.P. Tathod, Id. counsel for the applicant wants time to file rejoinder. Time is granted.

S.O. 23/2/2022.

Interim relief to continue till next date.

Member (J).

dnk.

O.A. 154/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

C.A. 51/2022 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

Since the grievance of the applicants is same, the C.A. for filing Jt. O.A. is allowed.

O.A. 154/2022 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to the respondents returnable after four weeks. Learned P.O. waives notice for State. 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. In the meanwhile, the respondents are directed to consider the representation of the applicants dated 4/10/2021 and recommendation of the Principal, District

Institute of Education & Training, Nagpur dated
31/5/2021.

S.O. after four weeks.

Member (J).

dnk.

O.A. 200/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

S.O. after three weeks.

Member (J).

dnk.

O.A. 373/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

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

The reply is already filed on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 782/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&3, Shri N.D. Thombre, Id. counsel for R-4 and Shri S.S. Bhalerao, Id. counsel for R-2.

The applicant is directed to supply amended copy to the other sides.

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

Member (J).

dnk.

O.A. 830/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for the respondents.

The reply is already filed on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 984/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he wants to file rejoinder and for that purpose he seeks two weeks time. At his request, **S.O. after two weeks.**

Member (J).

dnk.

O.A. 38/2022 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 10/02/2022.

Heard Shri R. Bagde, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for State.

2. Issue notice to the respondents returnable after four weeks. Learned P.O. waives notice for State. 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. after four weeks.

Member (J).

dnk.

O.A. 126/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 10/02/2022.

Heard Shri N.N. Thengre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for State.

2. Issue notice to the respondents returnable after four weeks. Learned P.O. waives notice for State. 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. after four weeks.

Member (J).

dnk.
