

O.A. 663/2017 (D.B.)

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

Dated : 16/02/2023.

None for applicants. Heard Shri M.I. Khan, ld. P.O. for respondent nos.1 to 3 and Shri P.P. Khaparde, ld. counsel for R-4,5,9 & 10. None for other respondents.

At the request of Shri P.P. Khaparde, ld. counsel for R-4,5,9 & 10, **S.O. two weeks.**

Member(J)

Vice Chairman

dnk.

O.A. 833/2018 (D.B.)

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

Dated : 16/02/2023.

None for the applicant. Heard Shri M.I. Khan, ld. P.O. for R-1 to 3 and Shri A. Deshpande, ld. counsel for respondent no.4. None for R-5.

At the request of ld. counsel for R-4, **S.O. two weeks.**

Member(J)

Vice Chairman

dnk.

(D.B.)

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

Dated : 16/02/2023.

**O.A. 141/2015 with C.As. 86,87 & 90 of 2021,
O.A. 718/2015 with C.As. 88 & 89 of 2021, O.A.
377/2016 & O.A. 264/2012 -**

(i) Heard Shri Vinay Rathi, ld. counsel holding for Shri P.B. Patil, learned counsel for the applicants, Shri A.P. Sadavarte, ld. counsel for R-7 to 10, Shri R.M. Fating, ld. counsel for R-7 to 16 (Intervener) and none for other private respondents (in O.A.141/2015).

(ii) Heard Shri S.K. Tambe, ld. counsel for the applicants, Shri A.P. Sadavarte, ld. counsel for R-8 to 11, Shri R.M. Fating, ld. counsel for Intervener and none for other private respondents (in O.A.718/2015).

(iii) None for the applicant (in O.A. 377/2016).

(iv) Heard Shri Dharmadhikar, ld. counsel for the applicants, Shri A.S. Ambatkar, ld .counsel for R-11 and none for private respondents (in O.A. 264/2012).

(v) Heard Shri S.A. Sainis, learned P.O. for the State / respondents (except private respondents) in all O.As.

(vi) Shri Vinay Rathi, ld. counsel for the applicants submits that due to ill-health, his senior

Advocate Shri P.B. Patil (in O.A.No. 141/2015) is not present today and therefore he seeks further time. At his request, **S.O. 09/03/2023.**

Member(J)

Vice Chairman

dnk.

O.A. 579/2017 (D.B.)

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

Dated : 16/02/2023.

Heard Shri S.P. Palshikar, 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.**
22/02/2023.

Member(J)

Vice Chairman

dnk.

O.As. 97 & 98 of 2019 (D.B.)

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

Dated : 16/02/2023.

1. Heard Shri S.P. Palshikar, ld .counsel for the applicant (in O.A. 97/2019).
2. Heard Shri G.N. Khanzode, ld. counsel for the applicant (in O.A. 98/2019).
3. Shri S.A. Sainis, ld. P.O. for the respondents in both the O.As.

At the request of ld. P.O., **S.O.**
22/02/2023.

Member(J)

Vice Chairman

dnk.

O.A. 553/2022 (D.B.)

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

Dated : 16/02/2023.

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

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

3. The learned counsel for the applicant submits that he has already received reply of R-2 just now and therefore he desires time to go through the same.

S.O. 02/03/2023.

Member(J)

Vice Chairman

dnk.

O.A. 506/2022 (D.B.)

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

Dated : 16/02/2023.

Heard Shri S.P. Palshikar, Id .counsel for
the applicant and Shri H.K. Pande, Id. P.O. for R-1.
None for R-2.

At the request of Id. P.O., **S.O.**
23/02/2023.

Member(J)

Vice Chairman

dnk.

O.A. 908/2019 (D.B.)

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

Dated : 16/02/2023.

Heard Saboo, ld .counsel for the applicant
and Shri V.A. Kulkarni, ld. P.O. for R-1&2 and Shri
N.C. Majethiya, ld. counsel for R-3.

At the request of ld. counsel for the
applicant, **S.O. 23/02/2023.**

Member(J)

Vice Chairman

dnk.

O.A. 102/2018 (D.B.)

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

Dated : 16/02/2023.

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

At the request of Id. P.O., **S.O. 22/02/2023.**

Member(J)

Vice Chairman

dnk.

O.A. 158/2020 (D.B.)

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

Dated : 16/02/2023.

Heard Ms. Tripti Daga, ld. counsel for the applicant and Shri M.I. Khan, ld. P.O. for the respondents.

2. The ld. counsel for the applicant submits that the applicant has expired and she wants time to take instructions from L.Rs. of the applicant.
3. At the request of ld. counsel for the applicant **S.O. two weeks.**

Member(J)

Vice Chairman

dnk.

(D.B.)

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

Dated : 16/02/2023.

**MCA 41/2022 in C.P. No. 04/2022 in O.A.
330/2021 -**

Heard Shri Rupnarayan, ld. counsel holding for Shri G.N. Khanzode, ld. counsel for the applicant and A.P. Potnis, ld. P.O. for the respondents.

2. The learned counsel for the applicant submits that rejoinder is ready and he will file on the next date. At his request, **S.O. one week.**

Member(J)

Vice Chairman

dnk.

O.A. 118/2020 (D.B.)

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

Dated : 16/02/2023.

Heard Shri D.R. Rupnarayan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for respondent no1. Await service of R-2 to 4.

2. At the request of learned counsel for the applicant issue fresh notice to the respondent nos.2 to 4 returnable **after 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. after four weeks.

Member(J)

Vice Chairman

dnk.

O.A. 323/2021 (D.B.)

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

Dated : 16/02/2023.

Heard Shri N.R. Saboo, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for R-1 to 3. None for other respondents.

2. The ld. P.O. files reply of R-1&2. It is taken on record and copy is given to the applicant. The ld. P.O. submits that said reply is sufficient to decide the matter.

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

S.O. 2nd week of March, 2023.

Member(J)

Vice Chairman

dnk.

O.A. 233/2022 (D.B.)

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

Dated : 16/02/2023.

Heard Shri P.P. Khaparde, ld. counsel holding for Shri G.G. Bade, ld. counsel for the applicant and Shri S.A. Deo, ld. CPO for the respondents.

2. Shri Khaparde, ld. counsel submits that Shri Bade, ld. counsel for the applicant is busy today in the High Court, therefore, seeks further time.

3. The ld. CPO seeks time to file reply. Time is granted.

S.O. two weeks.

Member(J)

Vice Chairman

dnk.

O.A. 1050/2022 (D.B.)

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

Dated : 16/02/2023.

Heard Shri S.Y. Deopujari, learned counsel for the applicants and Shri S.A. Deo, ld. CPO for the respondents.

2. The ld. C.P.O. files reply of R-1&2. It is taken on record and copy is given to the applicant.

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

S.O. 17/03/2023.

Till then, interim relief to continue.

Put up along with other connected matter.

Member(J)

Vice Chairman

dnk.

O.A. 817/2022 (D.B.)

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

Dated : 16/02/2023.

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

S.O. 17/03/2023.

Put up along with other connected matter.

Member(J)

Vice Chairman

dnk.

O.A. 909/2022 (D.B.)

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

Dated : 16/02/2023.

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

2. The learned P.O. seeks further time to file reply. Time is granted. It is made clear that if the reply is not filed till the next date, the matter will be decided on merit.

S.O. 03/03/2023.

Member(J)

Vice Chairman

dnk.

O.A. 166/2023 (D.B.)

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

Dated : 16/02/2023.

Heard Shri B. Kulkarni, Id. counsel for the applicant 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.

S.O. after four weeks.

Member(J)

Vice Chairman

dnk.

C.P. 73/2022 in O.A. 03/2020 (D.B.)

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

Dated : 16/02/2023.

Heard Mrs. K.N. Saboo, ld. counsel for the applicant and Shri M.I. Khan, ld. P.O. for the respondents.

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

Member(J)

Vice Chairman

dnk.

C.P. 88/2022 in O.A. 798/2022 (D.B.)

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

Dated : 16/02/2023.

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

2. The learned counsel for the applicant submits that the order is dated 11/3/2022 and till now it is not complied by the respondents.

3. The learned P.O. seeks further time to file reply. Only one week time is granted as prayed for. The matter be kept on 23/02/2023.

4. In the meantime, the Id. P.O. to file reply, if any, and take instructions as to whether order dated 11/3/2022 is complied or not.

S.O. 23/02/2023.

Member(J)

Vice Chairman

dnk.

C.P. 07/2023 in O.A. 926/2019 (D.B.)

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

Dated : 16/02/2023.

Heard Shri A. Motlog, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Issue Notice to the respondents returnable **after four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. The learned P.O. waives notice for State. Hamdast granted.

S.O. after four weeks.

Member(J)

Vice Chairman

dnk.

C.P. 10/2023 in O.A. 77/2017 (D.B.)

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

Dated : 16/02/2023.

Heard Shri N.R. Saboo, ld. counsel for the applicant and Shri V.A. Kulkarni, ld. P.O. for the State.

2. Issue Notice to the respondents returnable **after four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. The learned P.O. waives notice for State. Hamdast granted.

S.O. after four weeks.

Member(J)

Vice Chairman

dnk.

C.P. 12/2023 in O.A. 656/2010 (D.B.)

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

Dated : 16/02/2023.

Heard Shri B. Kulkarni, ld. counsel for the applicant and Shri V.A. Kulkarni, ld. P.O. for the State.

2. Issue Notice to the respondents returnable **after four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. The learned P.O. waives notice for State. Hamdast granted.

S.O. after four weeks.

Member(J)

Vice Chairman

dnk.

O.A. 284/2022 (D.B.)

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

Dated : 16/02/2023.

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

At the request of learned counsel for the applicant, **S.O. 27/02/2023** for filing relevant documents.

Member(J)

Vice Chairman

dnk.

(D.B.)

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

Dated : 16/02/2023.

The learned counsel Shri N.B. Sakhare appears on behalf of applicant and submits that the applicant is in jail and therefore mother of applicant's affidavit along with O.A. be accepted.

2. In view of above, the office to accept the O.A. along with affidavit of mother of the applicant.

Member(J)

Vice Chairman

dnk.

O.A. 335/2022 (D.B.)

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

Dated : 16/02/2023.

Heard Shri A.D. Girdekar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for respondent nos.1 and 2. None for respondent no.3.

2. The para-2&3 of the Tribunal's order dated 20/01/2023 are reproduced as below –

“2. Though the respondent no.3 was served on 24/06/2022, he did not appear. As per submission of the applicant and his prayer, it appears that if the O.A. is allowed, then the respondent no.3 will be affected person and therefore it is necessary to hear on the side of respondent no.3, before deciding the O.A.

3. Therefore, issue notice to respondent no.3 to remain present before this Tribunal on 16/02/2023.”

3. The office is directed to verify whether notice is served to the applicant or not. If yes, then file on record acknowledgement receipt of applicant, so that the matter can be decided finally.

S.O. 23/02/2023.

Member(J)

Vice Chairman

O.A. 838/2021 (D.B.)

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

Dated : 16/02/2023.

Heard Smt. S.W. Deshpande, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for respondent nos.1 to 4 and 11 None for other respondents.

2. Today learned counsel for the applicant has filed copy of latest position of Bank Pass Book. It appears that on 09/12/2022 credited amount is shown Rs.63,107/-, on 10/01/2023 credited amount is shown Rs.63,107/- and on 07/02/2023 credited amount is shown Rs.76,435/-. It is taken on record and marked Exh-X for identification.

3. The learned P.O. is directed to verify from the respondents as to why half salary has been paid to the applicant as per the entry in the Pass Book. The learned P.O. also to file relevant documents in this regard on the next date.

S.O. 20/02/2023.

Steno copy is granted.

Member(J)

Vice Chairman

O.A. No. 246/2020 (D.B.)

(Kiran D. Patil & Ano. Vs. State of Mah. & Ors.)

Coram : Shri Shree Bhagwan, Vice Chairman&

Shri M.A.Lovekar, Member (J).

Dated : 16/02/2023.

ORDER

Heard Shri D.M. Kakani, learned counsel for the applicants and Shri H.K. Pande, learned P.O. for the respondents.

2. In O.A.No.862/2019 with C.A. No.13/2020 the order dated 06/02/2020 was passed by this Tribunal. It is reproduced below –

“2. The learned P.O. has invited our attention to letter dated 2/1/2020 written by the Desk Officer, Revenue and Forest Department (M.S.). In this letter, it is mentioned in para-3 that the Officers who were selected in one batch who were recommended by the MPSC, were sent for Training in two different batches. In this situation now direction is given by the GAD that their seniority be fixed.

3. In view of this, we direct to the respondents to implement the decision of the GAD as per para-3 in the letter dated 2/1/2020 within a period of three weeks from the date of this order. We hope that the respondents will follow the MCS (Seniority) Rules while fixation of the seniority.

4. In view thereof, the O.A. stands disposed of along with C.A.. No order as to costs.”

3. Today, the learned P.O. submits that the proposal has been submitted to the respondent no.1 by respondent no.3 for fixing the seniority of the applicants as per their own documents. Para-2 (अ) of the letter dated 02/01/2020 (P-85) is reproduced as below –

“(अ)वेगवेगळ्या दिनांकास दोन वेगवेगळ्या प्रशिक्षण संस्थेत पाठविलेल्या उमेदवारांचा याआधी मान्यता दिल्यानुसार दिनांक २८/१०/२०१० हा जेष्ठतेचा दिनांक विचारात घ्यावा व त्यांच्या आपापसातील जेष्ठतेसाठी दोन्ही प्रशिक्षण संस्थेतील उमेदवार एकत्रितरित्या विचारात घेऊन, त्यांचे आयोगाच्या परीक्षेतील व प्रशिक्षण संस्थेतील परीक्षेचे एकत्रित गुण विचारात घेऊन त्यांचा आपापसातील जेष्ठताक्रम निर्धारित करावा.”

4. In view of above, the applicants' seniority should be fixed as per their own document as early as possible, otherwise, applicants' promotion will be affected in future. We, therefore, passed the following order –

ORDER

(i) The O.A. is disposed of with direction to the respondent no.1 to fix the seniority of the applicants as per communication / letter dated 02/01/2020, particularly, as per para- 2 (3) and also as per the order passed by this Tribunal in O.A.No.862/2019 with C.A. No.13/2020, dated 06/02/2020 within a period of one month from the date of receipt of this order and decision thereon be communicated to the applicants.

(ii) No order as to costs.

Member(J)

Vice Chairman

dnk.

C.P. 74/2022 in O.A. 406/2021 (D.B.)

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

Dated : 16/02/2023.

Heard Shri R.M. Fating, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The learned P.O. seeks time to file reply of respondent no.1.

3. The learned counsel for the applicant has pointed out the order passed by this Tribunal in O.A.No.406/2021, dated 13/04/2022. Para-(iii) of the operative order (P-16) is reproduced as below-

“(iii) The respondents are directed to pay all the arrears of salary of the post of Steno Typist from 21/7/1984 till the retirement of the applicant.”

4. Now the applicant retired on 30/06/2022 so in any case the order dated 13/04/2022 should be complied before retirement of the applicant, but it has not been done.

5. The learned P.O. submits that prescribed time limit is not given to comply the order, but it is not correct. In the order dated 13/04/2022, it is clearly mentioned that *“the respondents are directed to pay all the arrears of salary of the post of Steno Typist from 21/7/1984 till the retirement*

of the applicant.” means before retirement of the applicant, i.e., 30/06/2022.

6. The learned P.O. seeks four weeks time to file reply. Three weeks time is granted to file reply.

S.O. three weeks.

Member(J)

Vice Chairman

dnk.

O.As. 1142 & 1143 of 2021 (D.B.)

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

Dated : 16/02/2023.

Heard Shri N.B. Rathod, learned counsel for the applicants and Shri S.A. Sainis, learned P.O. for the respondents.

2. The learned P.O. seeks time to file reply.

3. The learned counsel for the applicant has pointed out the Govt. G.Rs. dated 13/08/2014 and 19/09/2013. In G.R. dated 19/9/2013, first clause is reproduced as below –

“ शासन निर्णय दिनांक २७/१०/२००९ अन्वये पदवीधर/ पदविकाधारक अंशकालीन उमेदवारांना शासकीय / निमशासकीय सेवेतील महाराष्ट्र लोकसेवा आयोगाच्या कक्षेबाहेरील गट 'क' पदावरील सरळ सेवेने करावयाच्या नियुक्त्यांसाठी १० टक्के समांतर आरक्षण लागू करण्यात आले आहे. सदर समांतर आरक्षण हे जाहिरातीत दर्शविण्यात आलेल्या पदांनुसार राहिल. सदरचे आरक्षण हे समांतर आरक्षण असल्यामुळे पदवीधर/ पदविकाधारक अंशकालीन उमेदवारांकरिता आरक्षित असलेल्या पदांचा अनुशेष पुढे ओढणे आवश्यक नाही. या घटकाकरिता जाहिरातीत दर्शविलेल्या आरक्षित पदांसाठी पात्र उमेदवार उपलब्ध न झाल्यास ती पदे गुणवत्तेनुसार उपलब्ध अन्य पात्र उमेदवारांमधून दिनांक १६/०३/१९९९ च्या शासन परिपत्रकातील तरतूदीनुसार विहित केलेल्या कार्यपध्दतीचा अवलंब करून भरण्यात यावीत. ”

4. Thereafter, the Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Nikhil Santosh Chaudhari Vs. State of Maharashtra and others** held that if the ex-serviceman or part time candidate not available from the same vertical reservation category, candidate on merit

should be taken. This was also observed in order of this Tribunal dated 7/2/2023.

5. The issue is very clear that if ex-serviceman candidate is not available the respondents should take the candidate from the same vertical category on the basis of merit. The learned counsel for the applicant submitted that the applicant is at waiting list no.1, therefore, there is no reason to deny appointment to the applicant, as the candidate from ex-serviceman is not available and if vacancy is there.

6. The learned P.O. seeks two weeks time to file reply. Time is granted as a last chance. It is made clear that if the reply is not filed till the next date, the matter will be decided on merit.

S.O. 1/3/2023.

Member(J)

Vice Chairman

dnk.

(D.B.)

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

Dated : 16/02/2023.

**C.A. 360/2017 in Cont. P. 38/2017 in O.A.
662/2012 -**

Heard Shri N.R. Saboo, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The issue is regarding publication of the marks of the candidates by the MPSC. The learned counsel for the applicants has made party as respondent no.4, Secretary of the MPSC. Even till today compliance has not been done regarding awarding marks list of the candidates who have been recommended for appointment for deciding the seniority of the candidates.

3. The learned counsel for the applicants has pointed out the letter of MPSC dated 16th September, 2020 (P-46 & 47) of the C.P. As per page no.47, six candidates including the some applicants have been recommended for appointment as a special case. Only grievance of the applicants is that their marks have not been communicated along with the other selected candidates due to which seniority of the applicants cannot be fixed.

4. In view of above, first the MPSC is directed to provide list of selected candidates along with

their marks including the applicants. If it is not done, the respondent no.4 is directed to personally appear or depute some responsible Officer before this Tribunal on the next date for clarifying what is the problem for not providing the list of selected candidates along with their marks.

S.O. 01/03/2023.

Member(J)

Vice Chairman

dnk.

Rev. A. 26/2019 in O.A. 1004/2018 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman.

Dated : 16/02/2023.

Heard Shri N. Majethia, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the State.

2. Await service of respondent no.2.
3. At the request of learned counsel for the applicant, issue fresh notice to respondent no.2 returnable **27/02/2023**. 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 Application 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. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. 27/02/2023.

Put up along with connected matters.

Vice Chairman

dnk.

Rev. A. 27/2019 in O.A. 1005/2018 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman.

Dated : 16/02/2023.

Heard Shri N. Majethia, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the State.

2. Await service of respondent no.2.
3. At the request of learned counsel for the applicant, issue fresh notice to respondent no.2 returnable **27/02/2023**. Hamdast allowed.
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8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. 27/02/2023.

Put up along with connected matters.

Vice Chairman

dnk.

Rev. A. 28/2019 in O.A. 1006/2018 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman.

Dated : 16/02/2023.

Heard Shri N. Majethia, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the State.

2. Await service of respondent no.2.
3. At the request of learned counsel for the applicant, issue fresh notice to respondent no.2 returnable **27/02/2023**. 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 Application 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.

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

S.O. 27/02/2023.

Put up along with connected matters.

Vice Chairman

dnk.

Rev. A. 03/2020 in O.A. 84/2019 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman.

Dated : 16/02/2023.

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

2. The learned counsel for the applicant has filed the Review Application for review of the order dated 03/01/2020 passed in O.A.No.84/2019.

3. The learned counsel for the applicant has pointed out that the applicant is aggrieved with the portion of order dated 24/05/2018 in which it is mentioned that “ परंतु प्रत्यक्ष थकबाकी ही त्यांच्या नियत वयोमान सेवानिवृत्तीच्या तारखेच्या लगत पूर्वीच्या तीन वर्षांच्या कालावधीपुरती मर्यादित राहिल.”

4. The learned counsel has mainly pointed out para-7 of the order dated 3/1/2020 passed in O.A.84/2019 at page nos.9 & 10 which is reproduced as below –

“7. The respondents in their reply para-3, page no.34 have mentioned provisions of the Maharashtra Civil Services (Joining time, Foreign Services and Payment during Suspension, Dismissal and Removal) Rules,1981 in Rule 70 (4) (page no.46) which is re-produced below –

“ Provided that any payment under this sub-rule to a Government servant (other than a Government servant who is governed by the provisions of the Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which orders for reinstatement of such Government servant are passed by the appellate authority or reviewing authority, or immediately preceding the date of retirement on superannuation of such Government Servant, as the case may be”

5. Today, during course of hearing the learned counsel for the applicant has pointed out the Rule 70 (2) of the Maharashtra Civil Services (Joining time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981.

6. The respondents have filed their reply which has been considered.

7. In view of above, the Review Application is closed for orders.

Vice Chairman

dnk.
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