

C.A.32/22 in O.A.319/15 with C.A.323/15 (D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri A.M.Ghogre, Id. P.O. for the respondents and Shri M.M.Sudame, Id. Counsel for the R-3.

2. S.O. four weeks.

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.195/2017 (D.B.)

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

Dated : 16/03/2023.

C.A.No.104/2017:-

Heard Ku.K.K.Pathak, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. Reply of respondent no.1 to application for condonation of delay [C.A.No.104/2017] is placed on record.

3. **S.O. two weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.925/2019 (D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri H.K.Pande, Id. P.O. for the State. Await service of R-2 to 5.

2. Respondents 2 to 5 are not served.

3. **S.O. three weeks.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.953/2020 (D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri H.K.Pande, Id. P.O. for the State. Await service of R-2 to 4.

2. Respondents 2 to 4 are not served.

3. **S.O. three weeks.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.1010/2022 (D.B.)

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

Dated : 16/03/2023.

Heard Smt. S.V.Kolhe, Id. Counsel for the applicant, Shri H.K.Pande, Id. P.O. for the Respondents and Shri H.D.Marathe, Id. Counsel for the R-2.

2. Learned counsel for the respondent no.2 submits that reply of respondent no.2 is forwarded for approval.

3. **S.O. two weeks for filing reply.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.Nos.1150 & 1151/2022 (D.B.)

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

Dated : 16/03/2023.

Heard Shri S.N.Walde, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents. None for the R-3 in O.A. No. 1150/2022.

2. Learned P.O. submits that in spite of efforts made by him instructions are still awaited.

3. Learned counsel submits that the process of promotion is fairly advanced and unless prayer for interim relief is considered the O.A. may become infructuous.

4. Learned P.O. seeks time of one week to take instructions and make a statement about exact stage of promotion process.

5. **S.O. one week.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.1201/2022 (D.B.)

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

Dated : 16/03/2023.

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

2. On oral request of Id. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.1227/2022 (D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri
A.M.Ghogre, Id. P.O. for the respondents.

2. Respondents 2 and 3 are yet to be served.

3. **S.O. three weeks.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.278/2018 (D.B.)

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

Dated : 16/03/2023.

C.A.No.273/2022 in C.P.No.23/2021

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

2. Learned Counsel for the applicant seeks time till 29.03.2023.

3. **S.O.29.03.2023.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

C.P.No.64/2022 in O.A.No.09/2021 (D.B.)

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

Dated : 16/03/2023.

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

2. On oral request of Id. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

C.P.No.71/2022 in O.A.No.644/2020 (D.B.)

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

Dated : 16/03/2023.

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

2. Learned P.O. has placed on record reply of respondent no.4. Learned P.O. states that proposal is sent to the finance department and it may be finalised soon.

3. **S.O. three weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

C.P.No.78/2022 in O.A.No.418/2022 (D.B.)

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

Dated : 16/03/2023.

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. Learned P.O. submits that he will contact the concerned authority and make a statement on next date about compliance of the order.

3. **S.O. two weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

C.P.No.14/2023 in O.A.No.380/2022 (D.B.)

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

Dated : 16/03/2023.

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. Learned counsel for the applicant states that respondents 1 to 4 are served and he will file service affidavit within one week.

3. **S.O. one week.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.1087/2022 (D.B.)

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

Dated : 16/03/2023.

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

2. On oral request of Id. P.O., **S.O. three weeks to file reply.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

C.P.No.48/2020 in O.A.No.15/2019 (D.B.)

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

Dated : 16/03/2023.

Heard Shri N.D.Thombre, holding for Shri R.M.Ahirrao, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. On oral request of Id. Counsel for the applicant, **S.O. 20.03.2023.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

C.P.No.36/2022 in Rev.18/2021 in
O.A.No.94/2021 (D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri A.M.Ghogre, Id. P.O. for the respondents 1, 7 & 12 and Shri T.M.Zaheer, Id. Counsel for the respondents 3, 4, 5, 8, 9 & 10.

2. Learned counsel for the respondent no.3 has filed affidavit of respondent no.3 as per order dated 02.03.2023. In the affidavit in para 2 it is specifically stated that appointment of the applicant is regular and while issuing the order usual format was used.

3. **S.O. three weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

C.P.No.88/2022 in O.A.No798./2022 (D.B.)

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

Dated : 16/03/2023.

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

2. **S.O. two weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.987/2022 (D.B.)

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

Dated : 16/03/2023.

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

2. On oral request of Id. P.O., **S.O. 12.04.2023.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.995/2022 (D.B.)

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

Dated : 16/03/2023.

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

2. It is the grievance of the applicant that he is being paid salary for the post of Lecturer whereas he is working on the post of Associate Professor as per the interim order passed by this Tribunal.

3. Learned P.O. states that he will take instructions and make a statement so as to meet this objection of the applicant. If necessary he will keep concerned authority present before the Tribunal.

4. On oral request of Id. P.O., **S.O. 12.04.2023.**

5. **Steno copy is granted.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.229/2023 (D.B.)

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

Dated : 16/03/2023.

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

2. On behalf of the applicant attention is drawn to communication dated 03.01.2022 (Annexure A-3). In para 2 of this communication following recommendation was made-

करिता डॉ.हर्षा अजित घोडेस्वार, वैद्यकिय अधिकारी, पो.रुग्णालय, ना.ग्रा, नागपूर यांना १० वी मध्ये मराठी विषयामध्ये ५० टक्के पेक्षा जास्त गुण मिळालेले असुन महाराष्ट्र शासन मराठी भाषा विभाग, शासन परिपत्रक क्रमांक मभाप्र-२०१६/प्र.क्र.१३/भाषा-२, दिनांक २४/०५/२०१६ अन्वये मराठी/हिंदी भाषेतुन सुट मिळणेस विनंती आहे.

3. Attention is also invited to the impugned order (Annexure A-5) which is dated 19.10.2022. In this order the date of exemption is stated to be 03.07.2022.

4. It is the contention of the applicant that her mother tongue is Marathi and in SSC she had cleared paper of Marathi having 100 marks. By the impugned communication the concerned is directed to recover excess amount of increments paid to the applicant till date by relying on the date of exemption as mentioned in the impugned order.

5. Learned P.O. submits that the matter has come up for the first time and hence only notice be issued. We find that case is made out to grant appropriate interim relief. The respondents shall not take any coercive action till returnable date in the form of recovery of amount of increments stated to have been given prematurely.

6. Issue notice to the respondents, returnable **after four weeks**. Learned 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.
12. **S.O. after four weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.269/2023 (D.B.)

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

Dated : 16/03/2023.

Heard Shri M.R.Patil, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State.

2. Issue notice to the respondents, returnable **after one week**. 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. **S.O. after one week.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

R.A.No.31/2019 in O.A.No.799/2011 (D.B.)

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

Dated : 16/03/2023.

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. It is the submission of learned counsel for the applicant that a material point which was argued before the Tribunal and which is pleaded in para 4.13 of the O.A. [pp.11 & 12] was not at all considered while delivering the judgment. Likewise there was non-consideration of what it is pleaded in para 4.5 of the O.A. It is submitted that the order passed earlier by this Tribunal be recalled, the O.A. be heard again and after considering entire pleading of the applicant it be decided afresh. In reply, it is submitted by learned P.O. that the aforesaid course proposed on behalf of the applicant is impermissible since it is beyond scope of review.

3. Learned counsel for the applicant states that he will place on record judgments in support of his contention.

4. **Closed for Orders.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.23/2023 with C.A.No.95/2023
(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 16/03/2023.

Heard Shri S.N.Gaikwad, Id. Counsel for the
applicant and Shri M.I.Khan, Id. P.O. for the
respondents.

2. **S.O. 11.04.2023 high on board.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.24/2023 with C.A.No.94/2023
(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 16/03/2023.

Heard Shri S.N.Gaikwad, Id. Counsel for the
applicant and Shri M.I.Khan, Id. P.O. for the
respondents.

2. **S.O. 11.04.2023 high on board.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.248/2023 (D.B.)

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

Dated : 16/03/2023.

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

2. The impugned order is assailed only on the point of quantum of punishment.

3. **Closed for Orders.**

Member(J)
Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.830/2011 (D.B.)

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

Dated : 16/03/2023.

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

2. With pursis learned counsel for the applicant has placed on record some documents.

3. **S.O.21.03.2023.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.846/2012 with C.A.No.258/2018
(D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri
A.M.Ghogre, Id. P.O. for the respondents.

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

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.961/2012 (D.B.)

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

Dated : 16/03/2023.

None for the applicant. Heard Shri
A.M.Ghogre, Id. P.O. for the respondents.

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

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.791/2013 (D.B.)

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

Dated : 16/03/2023.

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

2. On oral request of Id. P.O., **S.O. two weeks.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.810/2015 (D.B.)

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

Dated : 16/03/2023.

Heard Shri M.I.Khan, Id. Counsel for the applicant and Shri A.C.Dharmadhikari, Id. P.O. for the respondents 1 to 4. None for the respondents 5 to 22.

2. **S.O. 13.04.2023.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.72/2017 (D.B.)

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

Dated : 16/03/2023.

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

2. On oral request of Id. P.O., **S.O. 24.03.2023.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.579/2017 (D.B.)

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

Dated : 16/03/2023.

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

2. Learned counsel for the applicant has placed on record judgment of the Supreme Court reported in 2007(2) ALL MR 924. He submits that in this judgment the earlier judgment of Supreme Court in the case of D.V.Kapoor Vs. Union of India is not referred.

3. Learned P.O. submits that he will place on record judgment delivered by the Bombay High Court subsequent to the judgment in the case of Keshav Gopal Chandanshiv Vs. Union of India [2004] MHLJ 741 on which the applicant has relied.

4. **S.O. 23.03.2023 after work of regular Division Bench and Single Bench is over.**

5. **P.H.**

6. **Steno copy is granted.**

**Member(J)
Date:- 16/03/2023.**

Vice Chairman

rsm.

O.A.No.663/2017 (D.B.)

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

Dated : 16/03/2023.

Heard Shri J.C.Shukla, Id. Counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondents 1 to 3 and Shri G.G.Bade, Id. Counsel for the respondents 4, 5, 9 and 10. None for the respondents 6, 7 and 8.

2. On oral request of Id. P.O., **S.O. two weeks.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.847/2019 (D.B.)

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

Dated : 16/03/2023.

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

2. Learned P.O. seeks time to place on record some documents.

3. **S.O. 29.03.2023.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.242/2020 (D.B.)

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

Dated : 16/03/2023.

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

2. The O.A. be placed before Single Bench.

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

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

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

Dated : 16/03/2023.

Heard Shri D.I.Charlewar, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents. None for the respondents 3 and 4.

2. Learned P.O. has placed on record reply of respondents 1 and 2. Copies are served to the learned counsel for the applicant who seeks time to file rejoinder if necessary.

3. **S.O. 10.04.2023.**

Member(J)

Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.394/2021 (D.B.)

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

Dated : 16/03/2023.

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

2. **S.O. 31.03.2023.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman

O.A.No.228/2022 (D.B.)

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

Dated : 16/03/2023.

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

2. Learned counsel for the applicant has placed on record some documents with pursis.

3. **S.O. 11.04.2023.**

Member(J)
Date:- 16/03/2023.

rsm.

Vice Chairman

O.A.No.335/2022 (D.B.)

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

Dated : 16/03/2023.

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

2. **S.O. 28.03.2023.**

Member(J)
Date:- 16/03/2023.
rsm.

Vice Chairman