

O.A.No.595/2017 (D.B.)

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

Dated : 18/04/2022.

Heard Shri B.M.Kharkate, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri A.Kumar, the Id. counsel for the respondent nos. 3 & 4.

2. The Id. counsel for the respondent nos. 3 & 4 submits that reply has been submitted to Government for approval, within week time he will file the same on record. If he does not file the same on record, matter will be heard on merit.

3. **S.O. after summer vacation.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.954/2018 (D.B.)

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

Dated : 18/04/2022.

C.A.No.121/2019:-

Heard Shri D.M.Surjuse, 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. after vacation to file reply on amended portion.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.59/2021 (D.B.)

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

Dated : 18/04/2022.

Heard Shri P.V.Thakre, 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. 2 & 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant wants to go through the reply. The Id. counsel for the applicant further submits that it is covered by the Judgement of this Tribunal. He is directed to place the same on record.

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

5. The Id. P.O. waives notices for the respondents.

6. **S.O. 14.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.318/2021 (D.B.)

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

Dated : 18/04/2022.

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

2. The Id. P.O. has filed affidavit in reply on amended portion on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. The Id. counsel for the applicant further submits that it is covered by G.R. dated 15.12.2017.

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

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

5. **S.O. 15.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.466/2021 (D.B.)

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

Dated : 18/04/2022.

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

2. Ld. P.O. has filed affidavit-in-reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side.

3. Ld. P.O. seeks time to file reply on behalf of the other respondents, **S.O. after summer vacation.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.983/2021 (D.B.)

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

Dated : 18/04/2022.

Heard Shri M.L.Vairagade holding for Shri M.V.Bute, 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. after summer vacation.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.1048/2021 (D.B.)

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

Dated : 18/04/2022.

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

2. At the request of Id. P.O., **S.O. 08.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.112/2022 (D.B.)

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

Dated : 18/04/2022.

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

2. At the request of Id. C.P.O., **S.O. tomorrow i.e. 19.04.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.171/2022 (D.B.)

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

Dated : 18/04/2022.

C.A.No.138/2022:-

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

2. In order dated 14.02.2022 in para no. 2
following directions were given:-

*"In view of this, respondent no. 3 is directed
not to proceed with further recruitment of
provisional list published at page no. 32 and
41, relating to the S.T. category candidate till
filing of the reply."*

3. In view of the above, respondent no. 3 is
directed not to proceed with the list related to the
S.T. candidate till filing of the reply. Respondents
have filed their reply and in para no. 4 they have
mentioned about Government order dated
17.02.2022 by which it has been decided after the
Judgment of Hon'ble Supreme Court that 'Gawari'
has been removed from S.T. list. Along with this
reply, respondents have also filed letter dated
17.02.2022 by Desk Officer, Home Department,
Government of Maharashtra, where it is clearly
mentioned that Civil Appeal No. 4096/2020 Vs.
Government of Maharashtra and Ors., Gowari Caste
will not be entitled for any S.T. benefits.

4. In view of this reply, the order dated 14.02.2022, para no. 2 is modified:- Respondents are directed not to proceed with further list which is related to 'Gowari Tribe' only regarding rest of the Tribal Group they should proceed with the same.

5. Since nobody is present from the applicant,
S.O. 22.04.2022.

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.288/2022 (D.B.)

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

Dated : 18/04/2022.

C.A.No.114/2022:-

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

2. C.A.No.114/2022 for Jt. O.A. is allowed and disposed of.

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.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.343/2022 (D.B.)

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

Dated : 18/04/2022.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the State. Await service of respondent
no. 2.

2. **S.O. after summer vacation.**

Member(J)

Date:-18/04/2022.

aps.

Vice Chairman

O.A.No.321/2022 (D.B.)

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

Dated : 18/04/2022.

Heard Shri D.R.I.Patil, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Shri G.K.Bhusari, the Id. counsel for the respondent nos. 5 & 6.

2. Today the Id. counsel for the applicant has filed document of office order no. 15/vk-fy-1/2022, issued on 22.02.2022. It is taken on record. The Id. counsel for the applicant is directed to supply it to the other side.

3. The respondent nos. 5 & 6 present and desires to file reply. Since the matter pertains to pensionary benefits of the applicant. **In order dated 21.03.2022 I.R. granted in para no. 3 will be continued till next date of hearing.**

4. The Id. counsel for the applicant requested time, **S.O. 14.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.322/2022 (D.B.)

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

Dated : 18/04/2022.

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

2. At the request of Id. counsel for the applicant, **S.O. 14.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.62/2022 (D.B.)

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

Dated : 18/04/2022.

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. counsel for the applicant has relied in O.A. No. 54/2019 delivered on 01st March, 2019 by this Bench. The Id. counsel for the applicant has also given citations relied on **State of Andhra Pradesh Vs. N. Radhakishan on 07th April, 1998**. The Id. counsel for the applicant has further pointed out G.R. dated 07.04.2008 and he has mainly relied on para 1, 4, 2 & 3 of this documents. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant is directed to file G.R. of year 1997. **The Id. P.O. desires two weeks time to file reply.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.229/2022 (D.B.)

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

Dated : 18/04/2022.

Heard Shri I.D.Maniyar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. At the request of Id. C.P.O., **S.O. tomorrow i.e. 19.04.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.Nos.1116&1117/2021 (D.B.)

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

Dated : 18/04/2022.

Heard Shri M.L.Vairagade, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of Id. P.O., **S.O. after summer vacation.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.11/2022 (D.B.)

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

Dated : 18/04/2022.

C.A.No.134/2022:-

Heard Shri A.Barahate holding for Shri N.R.Saboo, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri P.S.Tidke, the Id. counsel for the respondent nos. 4 to 6.

2. The Id. counsel for the respondent nos. 4 to 6 has filed affidavit in reply. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant has also filed counter affidavit on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

4. Pleadings in the matter is already completed.
I.R. granted on 12.04.2022 will be continued till next date of hearing.

5. **S.O. day-after-tomorrow i.e. 20.04.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.694/2020 (D.B.)

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

Dated : 18/04/2022.

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

2. The Id. counsel for the applicant desires to amend the O.A.. He is permitted to do the same. **S.O. after summer vacation.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.412/2021 (D.B.)

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

Dated : 18/04/2022.

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

2. Since reply has been filed. Hence, O.A. is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondents.

4. **S.O. 09.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.67/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 18/04/2022.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the 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.

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

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

5. **S.O. 02nd May, 2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.647/2019 (D.B.)

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

Dated : 18/04/2022.

Heard Shri A.P.Tathod, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri R.M.Fating, the Id. counsel for the respondent no. 4.

2. Interim relief was granted in order dated 29.08.2019 in para no. 5. The matter is quite old. In view of this, Id. counsel for the applicant is directed to file written notes of arguments on 25.04.2022.

3. **S.O. 25.04.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.676/2019 (D.B.)

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

Dated : 18/04/ 2022.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The advertisement was published on 01.08.2018 (page no. 12) and on page no. 15 it is shown that one post of 'Store Superintendent' in 'Open Category' was vacant. As per document on page no. 11 filed by Id. counsel for the applicant along with the letter dated 06.07.2019, result was published on 06.08.2018. However, as per Government letter dated 29.08.2017 (A-R-4), page no. 97 following para is mentioned:-

"menokj k ue. kck g; k l kck; i z kkl u 'kkl u 'k/ni =d d: chl hl h 2013@i z d: 354@Hkx&2@2013@16&c fnucl 02-12-2015 e/; suem dY; ki ek.ks ek- mPp U; k; ky;] eqbz ; fks nk[ky >kyY; k ; kfpdk dckcl 3151@2014 Jh l ftr 'kpyk fo: /n egjk'V' 'kkl u o brj l yXu ; kfpdk ; k idj.kh gskk&; k vfire fu.kz kP; k vf/ku jkgu dj.; kar ; s vksr- gh ckc fu; Prh vknskr Li "Vi .ksuem d: u R; kuq kj i trsf'kd dk; kzy; kauh i nHkj rph dk; Blgh djko; kph vks

Rkl p foHkxfugk; o infugk; r; kj dj.; kar vkysyh l ol k/kj.k xqoRrk ; knh o R; kl ksr menokj kauh vkklykbZu vtZ djr kulk Hkjysyh ekfgrh %MKV% l oz i trsf'kd dk; kzy; kulk mi yC/k d: u ns; kr ; s vks R; kuq kj fnucl 14-08-2017 jksth ifl /n dyy; k l qkfr fuoM ; knhrhy ts menokj : twgskkj ukghr R; k; k tkxh xqoRrkuq kj ifr{k k ; knhrhy menokj kph fuoM d: u R; k; k i ek.ki =kph i MrkG.kh

d: u i MrkG.kh vrh i k= BjyY; k menokjkauk fu; Qrh vlnsk
fuxfer dj.; kckcrph dk; bkg i kns'kd dk; kly; kau djkoh-

3. According to the above, result was published on 14.08.2017. There were five candidates, Sr. Nos. 1, 2 & 3 were not legible for appointment and Sr. Nos. 4 & 5 only was eligible for appointment. Sr. No. 4 was given appointment letter on dated 13.08.2018 page no. 93 (A-R-3). However, candidates asked for the extension as per documents on page no. 99 (A-R-6) vide correspondence dated 25.09.2018. The applicant is at Sr. No. 4 did not joined and vide letter dated 25.09.2018 in para no. 2 it is clear that :-

“vki Y; k fourhvtkuq kj] mi jkDr l mHkZdelad 4
P; k 'kk l u fu.kz kko; svki .kk l vki Y; k fu; Qrh vlnskkr uep
dkyko/kh; frfjDr vk.k[kh 1 efgl; kpk ok<ho dkyko/kh
vki Y; k fu; Qrh vlnskkp; k fBck.kh : tw gls; kl vuKs
dj.; kr ; s vlgS”

4. So, it is very clear that whatever period was given for appointment he was given one month extra. As submitted by Id. counsel for the applicant he did not joined even after that post remains vacant. Respondents have filed reply on 09.02.2021 and in para no. 4 following observation has been made:-

“Para no. 4:- r l p foHkxfugk; o i nfugk;
r; kj dj.; kr vkyyh l ol k/kj.k xqkorrk ; knh o R; kl ksrp
menokjkauh vkklykbZu vtZdjrkauk Hkjyyh efggrh 14/08/2017 l ol
i kns'kd dk; kly; kau mi yC/k d: u ns; kr ; s vlgS R; kuq kj
fn- 14-08-2017 jksth i fl /n dyyY; k l qkkr fuoM ; knhrhy
tsmenokj : taglskj ukghr R; kb; k tkxh xqkorrsud kj i fr-
{kk ; knhrhy menokjkph fuoM d: u R; kb; k tkxh xqkorrsud kj
i fr-
{kk ; knhrhy menokjkph : tw glskj ukghr R; kb; k tkxh
xqkorrsud kj i fr-
{kk ; knhrhy menokjkph fuoM d: u R; kb; k

i æk.ki =kph i MrkG.kh d: u i MrkG.kh varh ik= BjyY; k
menokjuk fu; Ørh vlnsk fuxTer dj.; kckcrph dk; blgh
i knf'ld dk; kÿ; kauh djkoh"

5. The Id. P.O. is directed to ascertain whether as on today the post is vacant or not? This information be furnished within week time.

6. **S.O. 22.04.2022.**
7. **Matter be treated as P.H.**
8. **Steno copy is granted.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.1049/2019 (D.B.)

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

Dated : 18/04/2022.

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

2. **Closed for orders.**

Member(J)

Date:-18/04/2022.

aps.

Vice Chairman

O.A.No.140/2020 (D.B.)

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

Dated : 18/04/2022.

Heard Shri A.Y.Sharma, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. **Closed for orders.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.263/20withC.A.Nos.223/20&149/21 (D.B.)

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

Dated : 18/04/2022.

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

2. At the request of Id. counsel for the applicant, **S.O. 08th June, 2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.No.1082/2021 (D.B.)

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

Dated : 18/04/2022.

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

2. The respondent no. 2 i.e. Collector, Chandrapur has passed order in D.E. dated 24.11.2021 (page nos. 24 to 26). The order has been passed after detailed D.E. as per Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 under Section 5 (7). Respondents have filed reply on 14.02.2022 in para no. 4 of the reply following submission has been made:-.

"It is submitted that the applicant is intentionally misleading this Tribunal by making false statements in the present original application against the higher authorities. Hence, present original application filed by the applicant is not tenable in its nature and liable to be dismissed on this count only."

3. According to this, appeal is provided against the order of the Collector to Revenue, Divisional Commissioner. Respondents have also submitted in para no. 4 on page no. 255 that Rule 17 of the Rules of 1979 has given power to Appellate Authority. They have further submitted that guidelines have been laid for the appeal against punishment order

passed under Rule 5 of the Rules of 1979 and Appellate Authority has been established. It appears from the record that Collector's order was passed on 24.11.2021 and almost after six months applicant has not preferred appeal before Appellate Authority as provided in the Relevant Rules. He should first prefer appeal before the Revenue Divisional Commissioner as per Rules.

4. The Id. counsel for the applicant is directed to communicate to the applicant to prefer an appeal before the Appellate Authority **within one month from the date of this order**. The Id. counsel for the applicant is at liberty to approach before the Tribunal if aggrieved by the order of Appellate Authority. The Appellate Authority shall consider the question of delay in filing appeal before it in the light of time consumed in pursuing this original application before the Tribunal.

5. With these directions, **O.A. is disposed of with no order as to costs.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman

O.A.Nos.537,538,539&540/2015 (D.B.)

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

Dated : 18/04/2022.

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

2. The matter was partly heard by another bench. Hence, **S.O. 14.06.2022.**

Member(J)
Date:-18/04/2022.
aps.

Vice Chairman