

O.A.No.177/2019 (D.B.)

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

Dated : 22/03/2022.

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

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.316/2019 (D.B.)

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

Dated : 22/03/2022.

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

2. Ld. 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. Ld. counsel for the applicant desires to go through reply, **S.O. two weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.165/2020 (D.B.)

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

Dated : 22/03/2022.

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

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.669/2020 (D.B.)

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

Dated : 22/03/2022.

C.A.No.26/2022:-

Heard Shri R.D.Karode, 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 no. 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant has filed C.A. No. 26/2022 for direction. However, that C.A. will be decided at the time of final hearing.

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

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

6. The Id. counsel for the applicant submits that the same matter is pending before Aurangabad Bench. Matter may be taken up after decision of the same matter.

7. **S.O. in due course.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.515/2021 (D.B.)

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

Dated : 22/03/2022.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, 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. He further submits that it is sufficient to decide the O.A..

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

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

5. The Id. counsel for the applicant desires to file Rejoinder, **S.O. two weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.537/2021 (D.B.)

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

Dated : 22/03/2022.

Heard Shri Amay holding for 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 reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

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

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

5. **S.O. in due course.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.900/2021 (D.B.)

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

Dated : 22/03/2022.

Heard Smt. A.P.Murrey, 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. four weeks.**
3. The Id. counsel for the applicant is directed to remove office objections immediately.

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.1028/2021 (D.B.)

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

Dated : 22/03/2022.

Heard Shri S.V.Bhutada, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.1138/2021 (D.B.)

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

Dated : 22/03/2022.

Heard Shri B.Kulkarni, 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. four weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.1157/2021 (D.B.)

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

Dated : 22/03/2022.

None for the applicant. Shri A.M.Ghogre, the
Id. P.O. for the State. Await service of R-2.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.1140/2021 (D.B.)

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

Dated : 22/03/2022.

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

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.27/2022 (D.B.)

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

Dated : 22/03/2022.

Heard Shri S.Y.Deopujari, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.50/2022 (D.B.)

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

Dated : 22/03/2022.

Heard Shri V.V.Chavhan, the applicant in person. Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.161/2022 (D.B.)

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

Dated : 22/03/2022.

None for the applicant. Shri A.M.Ghogre, the
Id. P.O. for the State. Await service of respondent
nos. 2 & 3.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.51/2022 (D.B.)

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

Dated : 22/03/2022.

C.A.No.15/2022:-

Heard Shri P.D.Lavankar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4 and Shri P.N.Warjekar, the Id. counsel for the respondent nos. 5 to 8.

2. The Id. counsel for the respondent nos. 5 to 8 has filed reply on behalf of the respondent nos. 5 to 8 on C.A. as well as on O.A.. It is taken on record. Copy is served to the other side.

3. The Id. P.O. desires three weeks time to file reply of R-1 to 4, **S.O. three weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.61/2022 (D.B.)

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

Dated : 22/03/2022.

Heard Smt. K.N.Saboo, 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. two weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.622/2021 (D.B.)

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

Dated : 22/03/2022.

Heard Shri A.C.Dharmadhikari, the Id.
Counsel for the applicant and Shri M.I.Khan, the Id.
P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks
time to file reply as a last chance.** If reply is not
filed till next date, the matter be heard on merit.

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.774/2019 (D.B.)

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

Dated : 22/03/2022.

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

2. As requested by both the counsels, matter is **admitted** and kept for final hearing.

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

4. The Id. counsel for the applicant has filed written notes of arguments. It is taken on record. Copy is served to the other side.

5. **S.O. 05.04.2022.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.304/2022 (D.B.)

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

Dated : 22/03/2022.

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

2. As submitted by Id. counsel for the applicant, no chargesheet has been served to the applicant. The case is pending, however, juniors have been promoted. Since, matter is listed first time, I.R. is kept open 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.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

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

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

Dated : 22/03/2022.

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. two weeks as a last chance.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.25/2020 (D.B.)

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

Dated : 22/03/2022.

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

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.742/2021 (D.B.)

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

Dated : 22/03/2022.

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

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.Nos.397&398/2019 (D.B.)

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

Dated : 22/03/2022.

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

2. At the request of Id. counsel for the applicant, **S.O. 29.03.2022.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.Nos.920,921,922,923&924/2019 (D.B.)

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

Dated : 22/03/2022.

Heard Ms. A.Jelange holding for Shri M.P.Kariya, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

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

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

Dated : 22/03/2022.

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. counsel for the applicant, **S.O. two weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.Nos.686/2019,704&888/2018 (D.B.)

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

Dated : 22/03/2022.

Heard Shri A.M.Borkar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State and Shri A.Potnis, the Id. counsel for the R-4. None for the R-2.

2. The Id. counsel for the respondent no. 4 submits that Shri H.D.Marathe, the Id. counsel for the respondent no. 2 has some personal difficulty. At his request, **S.O. 05.04.2022**.

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

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

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

Dated : 22/03/2022.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side.

3. The Id. P.O. desires further two weeks time for final hearing. Both the counsel are further directed this matter will not be further adjourned since the applicant is of 55 years and if matter lingers more; applicant may approach to retirement age.

4. **S.O. two weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

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

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

Dated : 22/03/2022.

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

2. The Id. P.O. has filed correspondence by respondent nos. 3. It is taken on record. Copy is served to the other side.

3. In this letter in last para it is mentioned that Commissioner Tribal Development, Nashik has been given directions to all the four Additional Tribal Commissioner by letter dated 15.02.2019 and in the last para they have been mentioned about criteria for deciding marks to the applicants for various posts. The said document has been already filed along with reply. As submitted by the respondents on 28.02.2020 along with the reply they have annexed documents of the Commissioner letter dated 15.02.2019 on page no. 79 for all the various categories to be appointed by how many marks. In Cadre-V 'Librarian' post is mentioned and following criteria has been given by Commissioner, Tribal Development which is reproduced below:-

"I 0x&5 x&iki ky & ; k i nkl kBh menokjkph xqkoRrk ; knh R; kauk 10 ohrhy xqkk& ; k VDcl&kj tP; k 50 VDcl&sxqk o x&iki ky i f'k{k.k i ek.ki =@x&iki ky foKku i nfodk djhrk feGky& ; k xqkk& ; k VDcl&kj tP; k 50 VDcl&sxqk ; kph cjhp d: u R; kps50

i 8th xqkke/; s: i karj.k dY; koj ; skkjsxqk xkg; /kj.; kr ; kos
%mnik- 1 i æk.kkz"

4. However, Id. counsel for the applicant submits that his senior will argue on the next date, **S.O. three weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

C.P.No.19/2022inO.A.No.861/2020 with (D.B.)

**C.P.No.20/2022inO.A.No.916/2020 with
C.P.No.21/2022inO.A.No.933/2020 with
C.P.No.22/2022inO.A.No.915/2020**

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

Dated : 22/03/2022.

Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. Common Judgments was passed on 19.03.2021 by this Tribunal in various O.As. related to Assistant Sub Inspector Wireless; respondents approached to the Hon'ble High Court in W.P. No. 5031/2021 and other connected matters, where Hon'ble High Court has dismissed the matter by order dated 25.01.2022. Now, the order passed by M.A.T. has attained the Judicial finality and respondents have no choice to follow the order of M.A.T.. It appears that till now no action has been taken by the respondents. Respondents are again directed that they should review that post and ensure that order will be complied at the earliest.

3. Issue Notice to the respondents returnable in **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.

4. Shri S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. **S.O. four weeks.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

C.P.No.04/2022 in O.A.No.330/2021 (D.B.)

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

Dated : 22/03/ 2022.

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

2. It was discussed with the senior Advocates present in the court today that in the case of Contempt; the person who did not comply the order he should be made party by name and as on today even if he desires he cannot sign any official documents.

3. For compliance of the order and giving justice to the applicant, the relevant post or office should be also made party so that he can be directed to comply the order and justice should be given to the applicant.

4. In the present C.P. No. 04/2022, Id. P.O. pointed out that respondent no. 1, 2 & 3 name have been deleted so if all the three names have been deleted C.P. cannot be survive. For hearing the other side, matter be kept after two weeks and for necessary compliance.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.318/2022 (D.B.)

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

Dated : 22/03/2022.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. As submitted by Id. counsel for the applicant, respondent no. 2 has issued letter dated 25.11.2020 in which it is mentioned that applicant's D.O.B. is 07.11.1962 and he was superannuated on 30.11.2020 and in para no. 2; it is mentioned that there is a proposed D.E. and there might be some amount to be recovered from the applicant on condition of this that amount should be recovered from the retirement benefits and he stood retired on 30.11.2020. After perusal of record it appears that this letter dated 25.11.2020 was issued considering the urgency that D.E. was to be started immediately on the applicant. However, seeing the D.E. the covering letter of chargesheet is 10.03.2022 and chargesheet is dated 08.03.2022 i.e. Chargesheet was issued almost after 16-17 months it means if department was so concerned about issuing the chargesheet it should have been issued immediately after issuing the order dated 25.11.2020.

3. On further perusal of the document on page nos. 30 (b) and 30 (c) it appears that there were six charges levelled against the applicant and in all the charges negligence of non-payment of scholarship of students is levelled. Due to which either students

were deprived from scholarship or the amount was lapsed. There is nothing seen from the chargesheet that misappropriation of any amount has been done.

4. The Id. counsel for the applicant however pointed out on page no. 9 of the O.A. in para no. 8 (b) (i) (ii) which are reproduced below:-

“(i) Shall not be instituted save with the sanction of the Government.

(ii) Shall not be in respect of any event which took place more than four years before such institution, and.”

5. That is also not seen on the record that when applicant retired on 30.11.2020 the procedure laid down in the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, Section 27(2)(b) was followed.

6. In view of this to avoid any injustice against the applicant. **Respondents are directed not to proceed with the enquiry for which chargesheet was issued by order dated 08.03.2022 (30-A) till filing of the reply.** However, Id. PO. opposed this interim relief given to the applicant. In view of justice, it is necessary that applicant should not be harassed.

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

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. four weeks.**

14. **Steno copy is granted.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A.No.310/2022 (D.B.)

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

Dated : 22/03/2022.

Heard Shri A.B.Moon, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed merit list of Police Recruitment 2019 qualified for physical test. He is relying on page no. 150 wherein last open female candidate is at Sr. No. 482 bearing roll No. 211910765, Ms. Tutuja Vilas Nilatkar and she has obtained 63 marks. The Id. counsel for the applicant submits that applicant has obtained 75 marks. Applicant is at 10th number bearing numbering 2115426542 and she has scored 75 marks. Comparing these two documents, it is clear that applicant appears to be more meritorious than last Open Female Candidate in the list. This squarely covers Judgements given by **Hon'ble Apex Court in Saurav Yadav Vs. State of Uttar Pradesh in Miscellaneous Application No. 2641 of 2019 in Special Leave Petition (Civil) no. 23223 of 2018 decided on 18.12.2020**. Subsequent to the Hon'ble Apex Court Judgement, Government has modified its policy of Government Circular dated 13.08.2014 and issued new G.R. dated 19.12.2018 in which various Judicial decisions have been quoted including Hon'ble Apex Court Judgement and on page no. 2 it has been clearly mentioned in corrigendum that previously it was for horizontal

reservation among eligible candidates only Open Category, Female Candidates were to be taken. But after this G.R. and corrigendum in this G.R. this open category has been replaced as per merit. Since, in this case applicant has scored 75 marks and last Female candidate in Open Category has scored only 63 marks. Obviously the applicant stood to be more meritorious than the open candidate.

3. In this situation, it appears that Respondents are not following the order passed by the above Hon'ble Apex Court Judgement regarding Horizontal Reservation of Female which have been clearly explained by three Judges Benches and G.R. dated 19.12.2018.

4. In view of this situation, **Respondents are directed not to fill one post of Female in Open Category as Id. counsel for the applicant submits that in this advertisement there is no post for O.B.C. Category.** Considering the Judgement of Hon'ble Apex Court, respondents are directed to take necessary action for calling candidates for further test if they are in hurry to go ahead for the appointment process.

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. four weeks.**

12. **Steno copy is granted.**

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman

O.A. 209/2021 (S.B.)

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

Dated : 22/03/2022.

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

At the request of Id. Counsel, **S.O.**
28/3/2022.

Member (J).

dnk.

O.A. 329/2019 (S.B.)

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

Dated : 22/03/2022.

Heard Shri N.D. Thombre, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri S.C. Deshmukh, Id. counsel or R-5.

At the request of Id. counsel for the applicant, **S.O. two weeks**.

Member (J).

dnk.

O.A. 608/2020 (S.B.)

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

Dated : 22/03/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2 and none for other respondents.

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

Member (J).

dnk.

O.A. 176/2021 (S.B.)

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

Dated : 22/03/2022.

Heard U.R. Tanna, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. Counsel, **S.O. two weeks.**

Member (J).

dnk.

O.A. 216/2018 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,

Member (J).

Dated : 22/03/2022.

C.A. 80/2018 -

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

2. The grievances of all the applicants are common and therefore C.A. for filing Jt. O.A. is allowed.

C.A. 87/2018 -

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

2. This is application for condonation of delay. The applicants are claiming regularisation of their services. As per submission of Id. counsel for the applicant, other similarly situated employees are regularised. He has submitted that the applicants are claiming to consider their past services for the purpose of pensionary benefits. In the similar matters, the order was passed by this Tribunal.

3. The application is opposed by the Id. P.O. Looking to the ground, it is a continuous cause of action the delay is condoned and C.A. for condonation of delay is allowed.

O.A. 216/2018 -

S.O. four weeks for filing reply.

Member (J).

dnk.

O.A. 311/2018 (S.B.)

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

Dated : 22/03/2022.

None for the applicant. Heard Shri H.K. Pande, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2. It is taken on record. He has submitted that reply of R-2 is sufficient to decide the matter.

3. 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. 472/2018 (S.B.)

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

Dated : 22/03/2022.

Heard Shri M.R. Khan, 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. three weeks** for filing reply as a last chance.

Member (J).

dnk.

O.A. 754/2018 (S.B.)

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

Dated : 22/03/2022.

None for the applicant. Heard Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply of R-1&2. He submitted that it is sufficient to decide the matter. Copy is taken 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. 320/2019 (S.B.)

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

Dated : 22/03/2022.

None for the applicant. Heard Shri H.K. Pande, 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. 416/2019 (S.B.)

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

Dated : 22/03/2022.

Heard Shri S.B. Tiwari, 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. He submitted that it is sufficient to decide the matter. Copy is taken on record and supplied to the applicant.

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. 444/2019 (S.B.)

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

Dated : 22/03/2022.

Heard Shri R.V. Shiralkar 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. 751/2019 (S.B.)

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

Dated : 22/03/2022.

Heard Shri P.A. Jibhkate, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and none for other respondents.

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

Member (J).

dnk.

O.A. 147/2020 (S.B.)

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

Dated : 22/03/2022.

Heard Shri P. Sharma, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing service affidavit.

Member (J).

dnk.

O.A. 157/2020 (S.B.)

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

Dated : 22/03/2022.

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

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

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

The applicant is at liberty to file rejoinder, if any.

S.O. in due course.

Member (J).

dnk.

O.A. 786/2020 (S.B.)

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

Dated : 22/03/2022.

Shri S.M. Khan, Id. counsel for the applicants, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri Barhate, Id. counsel holding for Shri H.D. Marathe, Id. counsel for R-5.

S.O. two weeks for filing reply.

Member (J).

dnk.

O.A. 47/2021 (S.B.)

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

Dated : 22/03/2022.

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

The Id. P.O. files reply of R-4&5. It is taken on record. Copy is given to the applicant.

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

Member (J).

dnk.

O.A. 48/2021 (S.B.)

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

Dated : 22/03/2022.

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

The Id. P.O. files reply of R-3. He submitted that it is sufficient to decide the matter. Copy is taken on record and supplied to the applicant.

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. 1039/2021 (S.B.)

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

Dated : 22/03/2022.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply of R-3. It is taken on record.

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

Member (J).

dnk.

O.A. 158/2022 (S.B.)

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

Dated : 22/03/2022.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

Member (J).

dnk.

O.As. 325,326 & 327 of 2020 (S.B.)

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

Dated : 22/03/2022.

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

The Id. P.O. files reply of R-2 in all O.As. Same are taken on record. The Id. P.O. submits that reply of R-2 is sufficient to decide the matters.

The matters are admitted and kept for final hearing. The Id. P.O. waives notices for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 10/2021 (S.B.)

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

Dated : 22/03/2022.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks.**

Member (J).

dnk.

O.A. 281/2022 (S.B.)

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

Dated : 22/03/2022.

Heard Shri G.N. Shinde, 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**. 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. 301/2022 (S.B.)

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

Dated : 22/03/2022.

Heard Shri R.M. Fating, 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).

dnk.

O.A. 66/2022 (S.B.)

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

Dated : 22/03/2022.

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

S.O. two weeks.

Member (J).

dnk.

O.A. 591/2017 (S.B.)

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

Dated : 22/03/2022.

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

At the request of Id. Counsel, **S.O.**
30/3/2022 (PH).

Member (J).

dnk.

O.A. 1023/2019 (S.B.)

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

Dated : 22/03/2022.

Heard Shri N.D. Thombre, 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. 23/3/2022**
(PH).

Member (J).

dnk.

O.A. 1024/2019 (S.B.)

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

Dated : 22/03/2022.

Heard Shri N.D. Thombre, Id. counsel
for the applicant and Shri A.P. Potnis, Id. P.O.
for the respondents.

At the request of Id. P.O., **S.O. 23/3/2022**
(PH).

Member (J).

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 22/03/2022.

Heard the applicant in person and Shri
H.K. Pande, Id. P.O. for the respondents.

At the request of applicant in person,
S.O. two weeks.

Member (J).

dnk.

O.A. 489/2020 (S.B.)

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

Dated : 22/03/2022.

Heard Shri N.D. Thombre, Id. counsel
for the applicant and Shri V.A. Kulkarni, Id. P.O.
for the respondents.

Closed for orders.

Member (J).

dnk.

O.A. 552/2020 (S.B.)

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

Dated : 22/03/2022.

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

S.O. after two weeks.

Member (J).

dnk.

O.A. 684/2021 (S.B.)

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

Dated : 22/03/2022.

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

S.O. 23/3/2022 (PH).

Member (J).

dnk.

O.A. 1069/2021 (S.B.)

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

Dated : 22/03/2022.

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

The Id. P.O. wants to take instructions from the department.

S.O. 5/4/2022.

Steno copy is granted.

Member (J).

dnk.**

O.A.No.46/2021 (D.B.)
(Shri P.V.Washimkar Vs. State and Another)
Coram : Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar, Member (J)
Dated : 22/03/ 2022.

Heard Shri P.S.Wathore, the Id. counsel for the applicant along with Shri P.V.Washimkar, the applicant in person. Shri H.K.Pande, the Id. P.O. for the respondents.

2. In earlier round of litigation in O.A. No. 239/2019 order was passed on 21.01.2020 and operative part was passed in para no. 3 which is reproduced below:-

"3. It is submitted by the Id. P.O. that now the waiting list is lapsed, but in this regard we would like to point out that let the respondent no. 1 to decide the matter. The applicant to make representation to the respondent no. 1 and the respondent no. 1 is directed to decide the representation within a period of three months from the date of receipt of the representation."

3. Applicant in person today pointed out letter by which Government has requested to M.P.S.C. dated 06.07.2020 (A-16, Pg. Nos. 166 & 167) and in para no. 4 of the letter on page no. 167 following observation has been made:-

"4- mijDr cchfopjkr ?sk JhI ni ek'kydj ; kphfu; qrhji dY; kusvuq for tkrhioxlthy fjDr >lyY; kI gk; d dlexkj vk; qR ; kinkdfjrkifr{k; lnph 1 o"Kph eqr I aysh vl Y; keGs, d fo'ksk clc Eg.kq vki Y; kdmhy ifr{k ; lnthy vuq for tkrhioxlthy xqoRrsid kj iqhy menokjph'kd ukl rRdKG f'KQjI dj.; kph vki.kd ; k)ljs iq'p fourh dj.; kr ; s vlgS R; kud kj 'kd ukl rRdKG f'KQjI dj.; kph vki.kd ; k)ljsfourhdj.; kr ; s vlgS"

4. Again Government has requested to M.P.S.C. by letter dated 22.09.2020 (A-17, Pg. Nos. 168 & 169) and on page no. 169 following observations have been made:-

"2-2 I |MLFkr I gk; d dlexkj vk; qR] xV&v ; kI oxlR , duk71 eajj inkSih22 insfjDr vl u R; keGsi/kd dh; dledktloj ifj.ke gkr vlgS dlexkj vk; qR dk; ky; lP; k vldr'c;k v're dj.krI p I gk; ; d dlexkj vk; qR ; k inkpsl ok idsk fu; e I qWjr dj.; kph dk; b'gh 'kd ukdMsLora-fjR; k I q vlgS R; keGs u0; kusfuOM izdh; kuttdP; kdlylo/kr jkfo.k'ID; ul Y; kusl gk; ; d dlexkj

vk; Ør ; k inloj , d fo'ksk ckc Eg.ku ifr{k ; lnh0; ixr >kyh vI yhrjh I nj
clc izkl dh; foyækus >kyh vI Y; kus egjk'V^a ykdl øk vk; lskdms i qhy
menoljoph f'kQjI dj.ksvlo'; d vlgS I nj cclal lBh 'kl u Lrjloj ekU; rk
?s; kr vkyh vlgS ¼Vi .kph ir I yXu ½

2-3 I nj inP; k vki Y; kdMhy ifr{k ; lnh/My v-tki oxl rhy Jh i Qhy ok'kedj
; lnh ek egjk'V^a izkl dh; U; k; k/ldj.kj uxij ; fks I nj inloj fu; Ørh
feG.; kl nhl n[ky dysk eG vtldz 239@2019 ; loj ekU; k; k/ldj.kus
R; lB; kfnuld 21-01-2020 jktP; k vlns kUo; sJhok'kedj ; lB; kvtlbj i qhy
rhu efgU; P; kdlyo/kr 'kl ukusu.k? ?s; kpsvlns'kr dysvlgS ¼ir I yXu ½

2-4 mi jØr olrØ.Fkrhuð kj uem dj.; kr ; rsdlj ek egjk'V^a izkl fd; U; k; k/ldj.kj
eabz; kpk eG vtldz 895 – 2015 Jh ini 'kGdsfo#/n ftYgk/ldkj
jRukxjh egjk'V^a 'kl u ; lojhy fu.k? ke/; sekI olp U; k; ky; ; fhy ykdl øk
vk; lsk] mRrjloj fo#/n eerfc'r vk.kbrj *2010* 12 SCC 204 ; ki dzj.kh
fuolmysmenokj #tq>kysulgr vflok viké Bjysrj ifr{k ; lnhokjrk ; bÿ-
rI p I olp U; k; ky; krhy xqjkr jkt; mi dk; dljgh vflk; rk vI kl , 'ku fo#/n
xqjkr jkt; ; k i dzj.kh fudkykr fuom >kysk menokj #tqu >k; kl ifr{k
; lnrhy i qhy menokj xqloRrsuð kj nlok d# 'kdrkj vI sueq vlgS

4- mi jØr cclh fopjkr ?k-kj Jh l ini ek'kydj ; kph fu; Ørh j i dY; kusvuð fpr
tkrh i oxl rhy fjDr >ky; kI gk; d dlxkj vk; Ør ; k inldfjrk ifr{k ; lnhp
1 o'kph eqr I äysh vI Y; keGs, d fo'ksk ckc Eg.ku vki Y; kdMhy ifr{k
; lnrhy vuð fpr tkrh i oxl rhy xqloRrsuð kj i qhy menoljoph 'kl ukl rRdlG
f'kQjI dj.; kph vki .kl ; k)kjsi q'p fourhdj.; kr ; s vlgS"

5. Subsequently, Government has issued letter dated 22.09.2020 and in para no. 2.4; Hon'ble Apex Court Judgment has been also quoted. As submitted by Id. counsel for the applicant on page no. 169 and in para no. 2.2; it is clearly mentioned that in the category of Assistant Labour Commissioner, Group-A. There are total 71 posts from which 22 posts are vacant and that is affecting in the department. Considering all these aspects; Government has taken decision in as per para no. 2.4 and mainly in para no. 4 that as special case should be recommended to M.P.S.C. for the waiting list even after one year. Since as per merit, applicant is at Sr. No. 1 and in the last line of the said letter also says that it is again requested to send the name of the applicant and not obeying order of Government is not proper by M.P.S.C.. Hence, **M.P.S.C. is directed to considered the request of the Government letter dated 06.07.2020 (A-16, Pg. No. 166) and 22.09.2020 (A-17, Pg. No. 168) and**

recommend the name of the applicant within a period of 30 days from the date of receipt of this order.

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

Member(J)
Date:-22/03/2022.
aps.

Vice Chairman