

O.A.No.127/2017 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

C.A.No.202/2022:-

Heard Shri A.P.Adhe, ld. Counsel for the applicant and Shri, ld. P.O. for the respondents.

2. Looking to the ground, **C.A.No.202/2022 for deletion of applicant no. 1 is allowed and disposed of.**

3. At the request of ld. P.O., **S.O. two weeks to file reply.**

**(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.**

**(Shree Bhagwan)
Vice Chairman**

O.A.No.995/2019 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the State and Shri H.D.Marathe, ld. Counsel for the R-2.

2. Ld. counsel for respondent no. 2 has filed reply on behalf of respondent no. 2. It is taken on record. Copy is served to the other side.

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

4. Ld. P.O. waives notice for the respondents.

5. **S.O. 14.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.307/2020 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri R.Joshi, Id. Counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the respondents and Shri R.V.Shiralkar, Id. Counsel for the R-4. None for the R-5 & 6.

2. As submitted by Id. counsel for respondent no. 4 and as agreed by Id. counsel for the applicant, applicant is already appointed.

3. Now, nothing survives in this matter. Hence, **matter is disposed of with no order as to costs.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.530/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

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

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.702/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri A.A.Potnis holding for Shri A.M.Sudame, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Perused pursis dated 24.08.2022 for unconditional withdrawal. Hence, **the application is disposed of as withdrawn.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.922/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri S.M.Pande, Id. Counsel for the applicant and Shri H.K.Pande, 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. He further submits that it is sufficient to decide the matter.

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

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

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

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

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.300/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

C.A.No.337/2022:-

Heard Shri M.R.Puranik, ld. Counsel for the applicant, Shri S.A.Deo, ld. C.P.O. for the respondents and Shri S.Walde, ld. Counsel for the Intervenor.

2. The ld. counsel for the applicant wants to file reply on Intervention. Ld. C.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. At the request of ld. C.P.O., **S.O. 06.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.486/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

C.A.No.259/2022:-

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri N.D.Thombre, ld. Counsel for the Intervenor.

2. Ld. counsel for the Intervenor has pointed out the list at page no. 53 onwards. As per his submission this is the seniority list but ld. counsel for the applicant Shri Shiralkar submitted that this is not a seniority list.

3. The list of the employees are prepared to handover to the State of Maharashtra. Ld. P.O. Shri Ghogre requested to get instructions as to whether this is a seniority list.

4. **S.O. 14.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.632/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

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

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.802/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri V.B.Gawali, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. Await service of R-3 & 4.

2. Ld. counsel for the applicant submits that respondents are served and he has already filed service affidavit. Ld. P.O. Shri Sainis submits that Judgment in O.A. No. 931/2021 is challenged before Hon'ble High Court.

3. **S.O. 14.09.2022 for reply.**

**(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.**

**(Shree Bhagwan)
Vice Chairman**

O.A.St.No.2166/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

C.A.Nos.365&366/2021:-

Heard Shri A.P.Sadavarte, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 14.09.2022.**

**(Justice M.G.Giratkar)
Vice Chairman**

**(Shree Bhagwan)
Vice Chairman**

Date:-25/08/2022.

aps.

C.A.38/22inC.P.17/20inO.A.No.197/2017(D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of ld. P.O., **S.O. 08.09.2022 for reply.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

C.P.No.49/2022 in O.A.No.357/2019 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri V.Anand, ld. Counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents and Shri R.M.Fating, ld. Counsel for the R-8.

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

3. **S.O. 15.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

C.P.No.56/2022 in O.A.No.46/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri P.V.Washimkar, applicant in person. Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Applicant has placed on record order of Hon'ble High Court Bombay, Bench at Nagpur dated 23.08.2022 in W.P. No. 4649/2022. As per this order this Tribunal is directed not to proceed with this matter. It is marked Exh. X for the purpose of identification.

3. **S.O. 21.09.2022.**

**(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.**

**(Shree Bhagwan)
Vice Chairman**

O.A.No.710/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri R.Joshi, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

C.P.No.33/2020 in O.A.No.845/2018 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of ld. P.O., **S.O. 14.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

C.P.No.29/2022 in O.A.No.791/2017 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri B.Kulkarni, Id. Counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the respondents and Smt. U.A.Patil, Id. Counsel for the Respondent nos. 2 to 4.

2. This Tribunal had passed the order in O.A. No. 791/2017 directing the respondent which is reproduced below:-

“In view of pursis dated 25.08.2021, the respondents are directed to consider the representation dated 14.08.2021 filed by the applicant within a period of two months.”

3. It was the contention of the applicant that grievances can be redressed if applicant's application/representation is directed to be decided by concerned officers after personal hearing within stipulated time. But the said representation is not on record.

4. In view of the order passed by this Tribunal, the respondents have decided the representation of the applicants on 22.02.2022. On 22.02.2022 it was decided that punishment of withholding one increment and salary for the period from 26.06.2013 to 12.06.2014 was proper and applicant had earlier filed Contempt Petition. Since the direction in O.A.

No. 670/2016 while deciding the same are now complied. The applicant was directed to challenge the order dated 05.08.2017 in the contempt petition no. 2230/2017. The applicant is at liberty to challenge that order.

5. It appears that there is no contempt because this Tribunal has passed the order directing the respondents to decide the representation. There was no any mandatory directions to decide the representation in a particular way. Hence, it cannot be said that the same would be in favour of the applicant. Hence, **Contempt Petition is disposed of.** Applicant is at liberty to challenge the same before appropriate forum.

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

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

**Coram :Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of ld. P.O., **S.O. 06.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

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

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of ld. P.O., **S.O. 30.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.13/2017 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of ld. P.O., **S.O. 15.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.221/2017 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of ld. P.O., **S.O. 13.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.773/2019 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri S.M.Khan, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 15.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.856/2020 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri Aditya Joshi holding for Shri S.S.Ghate, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.897/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri R.M.Fating, ld. Counsel for the applicant and Shri H.k.Pande, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 20.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

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

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

Heard Shri M.L.Vairagade, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

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

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

O.A.No.66/2021 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri Justice M.G.Giratkar,Vice Chairman
Dated : 25/08/2022.**

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

2. At the request of Id. P.O., **S.O. 15.09.2022.**

(Justice M.G.Giratkar)
Vice Chairman
Date:-25/08/2022.
aps.

(Shree Bhagwan)
Vice Chairman

C.A.No.342/2022 in O.A.No.503/2021 (S.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :25/08/2022.

Heard Ms. R.Deshpande, ld. counsel for the applicant, Shri H.K.Pande, ld. P.O. for the Respondents and Smt. P.D.Sood, ld. counsel for the respondent no. 5.

2. As per ld. counsel for the respondent no. 5, she wants to withdraw the document filed on 02.08.2022. Ld. counsel for the applicant submits that there is no such provision of returning documents before the decision after closing the matter.

3. Heard ld. P.O. Shri Pande, he also agreed that there is no any provision of returning the document as per C.P.C. and Civil Manual. Original documents can be returned after obtaining the certified copy/zerox copy of the said documents. This O.A. was closed for judgment on 11.08.2022. The Respondent no. 5 moved this application on 18.08.2022. After the decision of this Original Application, respondent no. 5 can make such type of prayer after supplying of the copy of the documents, therefore, C.A. itself is not tenable. Hence, rejected.

3. Original Application is already fixed for Judgment.

Vice Chairman

Date:-25/08/2022.
aps.

O.A.No.553/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri A.S.Shukla, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents 1 to 3. Shri V.L.Paraskar, ld. Counsel for the respondent no.4. Shri S.N.Karnewar, ld. Counsel for the respondent no.5.

2. On oral request of learned P.O., **S.O. after two weeks for filing reply as a last chance.**

Date:-25/08/2022

Member(J)

O.A.No.616/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.418/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

None for the applicant. Heard Shri A.M.Khadatkar, ld. P.O. for the respondents 1 & 4. Shri T.M.Zaheer, ld. Counsel for the respondents 2 & 3.

2. The learned counsel has placed on record copy of order dated 17.08.2022(marked X-for identification) passed by the Hon'ble Bombay High Court in Writ Petition No.4580/2022. In this W.P. order dated 14.06.2022 passed by this Tribunal condoning the delay caused in filing the O.A. is challenged.

S.O. after six weeks.

Date:-25/08/2022

Member(J)

O.A.No.727/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. Today learned P.O. has placed on record communication dated 11.08.2022 (marked X-for identification) giving details of certain payment made to the applicant.

3. The learned counsel states that he will take instructions.

S.O. after four weeks.

Member(J)

Date:-25/08/2022

O.A.No.106/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri I.N.Choudhari, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. after two weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.643/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.657/2021 with
O.A.No.658/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri N.R.Saboo, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 & 2. Shri S.M.Bhangde, ld. Counsel for the respondent no.3.

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.686/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.726/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.882/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri P.S.Kadam, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Reply of respondent no.2 filed by learned P.O. It is taken on record. This reply is stated to be sufficient. Hence, the O.A. is **admitted** and kept for final hearing.

S.O. after four weeks.

Date:-25/08/2022

Member(J)

O.A.No.1158/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. The learned counsel states that today she will collect Hamdast.

S.O. after four weeks.

Date:-25/08/2022

Member(J)

O.A.No.247/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. after three weeks for filing reply as a last chance.**

Member(J)

Date:-25/08/2022

O.A.No.409/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after four weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.509/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.591/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.
C.A.No.245/2022

Heard Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents. Shri S.A.Marathe, Id. Counsel for the respondent no.3.

2. The learned P.O. seeks time to file reply time is granted till 30.08.2022 as a last chance.

S.O.30.08.2022.

Member(J)

Date:-25/08/2022

O.A.No.659/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O. after three weeks for filing reply.**

Date:-25/08/2022

Member(J)

O.A.No.715/2022 with
O.A.No.716/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri D.M.Kakani, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The learned P.O. states that he will take instructions and make a statement on 29.08.2022. On 29.08.2022 the matter shall be taken up for final hearing.

S.O.29.08.2022.

Steno copy is granted.

Date:-25/08/2022

Member(J)

Rev.App.No.6/2022 in
O.A.No.138/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. Reply of respondent no.5 filed by learned P.O. It is taken on record. It is submitted that this reply is sufficient. Hence, the matter is **admitted** and kept for final hearing.

S.O. after three weeks.

Date:-25/08/2022

Member(J)

O.A.No.836/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri Aditya Joshi, holding for Shri S.S.Ghate, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. Issue notice to 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.

Date:-25/08/2022

Member(J)

O.A.No.294/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri P.V.Thakre, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. **S.O. after three weeks.**

Date:-25/08/2022

Member(J)

O.A.No.583/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Smt. Ayushi Dangre holding for Shri H.D.Dangre, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

Closed for Orders.

Date:-25/08/2022

Member(J)

O.A.No.570/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. Copy of reply of respondents 1 to 4 is given to the learned counsel for the applicant today.

S.O. after four weeks.

Date:-25/08/2022

Member(J)

O.A.No.742/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri A.P.Sadavarte, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. **S.O. 14.09.2022.**

Date:-25/08/2022

Member(J)

O.A.No.42/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

Closed for Orders.

Date:-25/08/2022

Member(J)

O.A.No.151/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Reply of respondent no.3 filed by learned P.O. It is taken on record.

3. The learned counsel seeks time till 12.09.2022.

S.O.12.09.2022.

Date:-25/08/2022

Member(J)

O.A.No.209/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. On oral request of learned P.O., **S.O.**
29.08.2022.

Member(J)

Date:-25/08/2022

O.A.No.418/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

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

Date:-25/08/2022

Member(J)

O.A.No.772/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Smt. K.N.Saboo, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

Closed for orders.

Date:-25/08/2022

Member(J)

O.A.No.81/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri B.J.Lonare, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. S.O. after two weeks.

Date:-25/08/2022

Member(J)

O.A.No.93/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri B.Dhandale, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

Closed for Orders.

Date:-25/08/2022

Member(J)

O.A.No.260/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

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

2. **S.O. 06.09.2022.**

Date:-25/08/2022

Member(J)

O.A.No.307/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri G.N.Khazode, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents 1 & 2. Shri S.N.Gaikwad, Id. Counsel for the respondent no.3 (Caveator).

Closed for Orders.

Date:-25/08/2022

Member(J)

O.A.No.413/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 25/08/2022.

Heard Shri A.P.Sadavarte, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O.**
15.09.2022.

Date:-25/08/2022

Member(J)

(i) C.A.No. 338/2022 in O.A. 460/2022
O.A.Nos.459,454,455,456,457,458,461 of 2022
(Maharashtra State Medical Teachers Association Vs. State of Maharashtra & Ors.)

(ii) O.A. No. 711 of 2022 (Dr. A.T. Deshkar Vs. State of Maharashtra & Ors.)

(iii) O.A. No. 841 of 2022 (Dr.K.D. Gaidhane Vs. State of Maharashtra & Ors.)

(iv) O.A. No. 833 of 2022 (Dr. P.R. Warjurkar Vs. State of Maharashtra & Ors.) (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 25/08/2022.

COMMON ORDER

Per : Shri Justice M.G. Giratkar, Vice-Chairman

Heard S/ Shri Rohit Joshi, A.A. Naik, and N.R. Saboo, learned counsel for applicants in the respective O.As. and Shri S.A. Deo, Id. CPO for the respondents in all the O.As.

2. Heard Shri A.A. Naik, learned counsel for applicant and Shri S.A. Deo, Id. CPO for the respondents. The C.A. No.338/2022 is allowed and disposed off. Necessary amendment be carried out today itself.

3. Shri Saboo, learned counsel (in O.A.833/2022) for applicant has pointed out the order passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A. Nos. 749,750 & 751 of 2022, dated 24/08/2022. He has pointed out para-5 of the order and submitted that the Maharashtra Public Service Commission (MPSC) was directed to allow the applicants for interview subject to the outcome of the O.A.

4. Heard Shri Rohit Joshi, learned counsel for applicants in the respective O.As. He has pointed out advertisement issued by the respondents which shows that minimum condition for the post of Assistant Professor is Post Graduation in the respective subject and

also experience / posting of the post of Senior Resident. He has pointed out page no.62 in O.A.No.460/2022 the guidelines / MCI regulations for the Department/ posts of Anatomy, Physiology, Biochemistry, Pharmacology, Pathology, Microbiology, Forensic Medicine and Community Medicine. There is post of Tutor, but not the post Senior Resident and therefore the applicants cannot be compelled to have an experience of Senior Resident.

5. The learned counsel for the applicants submits that in view of the order passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A. Nos. 749,750 & 751 of 2022, dated 24/08/2022, the same order be passed. The applicants will not claim equity.

6. Heard learned C.P.O. Shri S.A. Deo for the respondents. As per his submission, one of the conditions in the advertisement that, the qualification should be as per the Medical Council of India (MCI) norms. As per his submission, the MCI norms are of having qualification of Senior Resident / Tutor / Demonstrator in addition to the Post Graduate degree. As per his submission, the applicants are not having qualification / experience of the post of Senior Resident / Tutor/ Demonstrator and therefore they are not entitled to be posted on the post of Assistant Professor. Hence all the applications are liable to be rejected.

7. This Tribunal has passed order in O.A.No. 461/2022, by which the respondents are directed to allow the applicant to participate in the interview and the result shall be kept in a sealed envelope. The M.A.T., Bench at Aurangabad in O.A. 749/2022 with connected matters passed the order on 24/8/2022 directing the MPSC to allow the similarly situated applicants for interview subject to the outcome of the present O.As.

8. The learned counsel for applicants submitted that all the applicants are already working on the post of Assistant Professor. They have applied for the said post.

9. The learned C.P.O. has submitted that though they are working on the post of Assistant Professor, but they are on ad-hoc basis and therefore they cannot claim that it should be the experience for the said post.

10. As per the norms of MCI which is pointed out by the learned counsel for applicants at page no.62. There is no post of Senior Resident for the department / post of Anatomy, Physiology, Biochemistry, Pharmacology, Pathology, Microbiology, Forensic Medicine and Community Medicine.

11. From perusal of advertisement, it appears that the experience of the post of Senior Resident is required. In the advertisement, there is nothing to show that the experience of the post of Tutor is required. Therefore, the advertisement itself appears to be confusing. The para-5 of the order in O.A.Nos. 749/2022 with connected O.As., passed by M.A.T., Bench at Aurangabad, dated 24/8/2022 is reproduced as below –

“5. After having considered the submissions advanced by the learned Counsel for the applicants and the learned PO and after having gone through the documents filed on record, it appears to us that prima facie case is made out by the applicants for grant of interim relief as has been prayed by the applicants. When as per the information provided by the Medical Council of India, the provision of Senior Residency does not apply to the pre-clinical and para-clinical subjects, the MPSC should not have declared the applicant as non-eligible candidate on the ground that he does not possess experience of working on the post of Senior Resident. If there are certain other impediments or if any contrary provision is there, the same may come on record through the affidavit in reply of the respondents. However, since the interviews are scheduled between 26th to 30th August, 2022, we deem it appropriate to pass the following order:

ORDER

- (i) MPSC is directed to call the present applicants also for interview subject to outcome of the present O.A.*
- (ii) In the meanwhile, issue notices to the respondents, returnable on 28-9-2022.*
- (iii) Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.*

- (iv) Applicants are authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.*
- (v) 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.*
- (vi) 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 as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.*
- (vii) S.O. to 28-9-2022.*
- (viii) The learned PO is requested to communicate this order to the concerned since interviews are starting from day after tomorrow.*
- (ix) Steno copy allowed for the use of both the sides."*

12. If the applicants are allowed to interview, no prejudice will cause to the respondents. The respondents are at liberty to keep their result pending subject to outcome of the present O.As.

ORDER

- (i) Interim relief is granted to the applicants with direction to the MPSC to allow the applicants for the interview subject to outcome of the present O.As.
- (ii) This order is applicable only to the applicants whose names are mentioned at Annex-A-2 of every original application.
- (iii) The applicants in O.A.Nos. 833,841 & 711 of 2022 are individual capacity.
- (iv) List of the applicants who are allowed to appear in the interviews, are annexed to this order.

S.O. after three weeks.

Steno copy is granted.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.*

