

**O.A.No.391/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri G.N.Shinde holding for Shri P.S.Kshirsagar, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the respondents.

2. Ld. counsel for the applicant has filed pursis to withdraw the O.A. and he further states that liberty may be granted to file fresh Original Application, permission is granted. Hence, **O.A. is disposed of as withdrawn with liberty to file fresh application, if so desires.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.775/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman**

**Dated : 29/07/2022.**

Heard Shri K.P.Mahalle, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, applicant was appointed on 19.03.2018 as he was having certificate of Power Lifting (Sports) he was in continuous service from the date of appointment he was made permanent as per order dated 05.04.2019. All of sudden, the respondent no. 3 issued communication dated 14.07.2022 directing the respondent no. 4 to terminate the services of the applicant as the certificate of Power Lifting (Sports) is not recognised for Olympic Games, Asian Games and in Commonwealth Games. On the basis of information given by respondent no. 3 to respondent no. 4, respondent no. 4 issued termination order on 25.07.2022. As per the submission of Id. Counsel for the applicant, it was served on 26.07.2022.

3. As per the submission of Id. Counsel for the applicant, there is no any amendment in Rules, even assuming that there was any change it cannot give effect retrospectively. He has pointed out Judgment of Hon'ble Apex Court in T.R.Kapur & Ors. State of Haryana & Ors., 1986 (Supp) Supreme Court Cases 584 more particularly para no. 5 retrospective affect of the amended Rule is not permissible, which is reproduced below:-

*"The Second is that it was not permissible for the State Government to amend Rule 6 (b) of the Class I Rules with retrospective effect under the proviso to Article 309 of the Constitution so as to render ineligible for promotion to the post of Executive Engineer in Class I service, the members of Class II service who are diploma holders although they satisfy the condition of eligibility of eight years' experience in that class of service. It is said that the unamended Rule 6 (b) conferred a vested right on persons like the petitioners which could not be taken away by retrospective amendment of Rule 6 (b)."*

Ld. Counsel for the applicant has further pointed out G.R. dated 30.04.2005 (pg. no. 32). As per this G.R. Power Lifting (Sports) was approved for all the purposes of services in sports category. The applicant was having requisite qualification. After verification of the certificate, he was given service as per appointment order dated 19.03.2018. He was made permanent on 05.04.2019.

4. Heard Id. P.O., he has opposed to grant any interim stay to the impugned termination order.

5. It is surprised to note that once the employee is made permanent how he is terminated without going through any due process? The information/ direction given by respondent no. 4 in letter

dated 14.07.2022 and as per telephonic communication dated 11.07.2022, termination order is issued. This letter/ direction to respondent no. 4 by respondent no. 3 does not show that there is any amendment to the Rule. The applicant was appointed as per Rule. Even there is any amendment then also it cannot be given effect retrospectively, in view of the Judgment of Hon'ble Apex Court in the case of T.R. Kapur (supra).

6. As the applicant was appointed as per Rule and he is made permanent in the service, **impugned termination order dated 25.07.2022 is hereby stayed until further order.** Respondent no. 4 is directed to allow the applicant to join his duty without giving effect to the termination order.

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.**

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

**Vice Chairman**

**Date:-29/07/2022.**

aps.

**(Shree Bhagwan)**

**Vice Chairman**

**M.C.A.No.18/2022 in O.A.No.38/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Smt. R.P.Jog, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. Ld. Counsel for the applicant has pointed out typographical mistakes in Judgment dated 14.07.2022. Ld. P.O. has no objection regarding the same corrections.

3. Prayer made by ld. Counsel for the applicant is allowed. Hence, **M.C.A.No. 18/2022 is allowed and disposed of.** Registry is directed to do the needful in respect of corrections in Judgment dated 14.07.2022.

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

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

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

**C.A.No.104/2017:-**

Heard Ku.K.K.Pathak, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. next week.**

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

**(Shree Bhagwan)  
Vice**

**Date:-29/07/2022.**

aps.

**O.A.No.1159/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

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

2. At the request of ld. P.O., **S.O. 12.08.2022 as a last chance to file reply.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

**O.A.No.43/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri A.P.Khadatkar, the ld. Counsel for the applicant, Shri V.A.Kulkarni, the ld. P.O. for the respondents and Shri H.D.Marathe, ld. Counsel for the respondent nos. 3 to 6.

2. At the request of ld. Counsel for the respondent nos. 3 to 6, **S.O. three weeks.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice**

O.A.No.212/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri Khadatkar holding for Ms. M.P.Munshi, the ld. Counsel for the applicant, Shri V.A.Kulkarni, the ld. P.O. for the respondents and Shri P.R.Parsodkar, ld. Counsel for the respondent no. 5. None for the R-6 & 7.

2. Ld. Counsel for the respondent no. 5 has filed written submission on behalf of the respondent no. 5 as well as ld. P.O. has filed reply on behalf of the respondent nos. 1 to 3. Both are taken on record. Copies are served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**O.A.No.298/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri N.D.Thombre, 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. P.O., **S.O. 05.08.2022 to file reply.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice**

O.A.No.346/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Ms. P.S.Kaware holding for Shri A.B.Moon, the ld. Counsel for the applicant, Shri S.A.Deo, the ld. C.P.O. for the respondents and Ms. A.M.Meshram, ld. Counsel for the respondent no. 4.

2. The ld. C.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 ld. P.O. waives notice for the respondents.

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

**O.A.No.347/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Ms. P.S.Kaware holding for Shri A.B.Moon, the ld. Counsel for the applicant, Shri S.A.Deo, the ld. C.P.O. for the respondents and Ms. A.M.Meshram, ld. Counsel for the respondent no. 4.

2. Ld. C.P.O. seeks time to file reply, **S.O. two weeks.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice**

**C.A.No.294/2022 in O.A.No.462/2022 with**

**C.A.No.295/2022 in O.A.No.463/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 29/07/2022.**

Heard Shri G.N.Shinde, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. **C.A. Nos.294 &295/2022 for amendment are allowed and disposed of.** The ld. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. After amendment, Issue fresh notice to Respondent no. 4, returnable on two 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. two weeks.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

O.A.No.553/2022 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

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

2. The ld. 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 ld. P.O. waives notice for the respondents.

5. **S.O. 29.08.2022 for final hearing.**

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

**O.A.Nos.562&563/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri G.K.Bhusari, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents. None for the R-4 & 5.

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

3. **I.R. granted is to be continued**

**(Justice M.G.Giratkar)  
Vice Chairman  
Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice**

**O.A.No.565/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Ms. P.S.Kaware holding for Shri S.S.Dhengale, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the R-4 to 6.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 & 3. It is taken on record. Copy is served to the other side.

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

**(Justice M.G.Giratkar)  
Vice Chairman  
Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice**



**M.C.A.No.20/2022 in O.A.No.871/2019 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri B.Kulkarni, the ld. Counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondents and Smt.U.A.Patil holding for Smt. J.J.Alkari, ld. Counsel for the respondent nos. 2 to 6.

2. Ld. Counsel for the respondent nos. 2 to 6 has filed M.C.A. No. 20/2022 and prayed for extension of time. Considering their genuine problem, **M.C.A. is allowed** and two months time is granted to comply the order.

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

**C.P.No.05/2021 in O.A.No.871/2019 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri B.Kulkarni, the ld. Counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondent no. 1 and Smt.U.A.Patil, ld. Counsel for the respondent nos. 2 to 6.

2. **S.O. two months.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.Nos.70 & 71/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

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

2. Ld. P.O. has filed reply of respondents. It is taken on record. Copy is served to the other side.

3. Ld. Counsel for the applicant submits that the issue is covered by Judgment and he is willing to file the copy of the same on record.

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

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

6. **S.O. 04.08.2022 to file the above said Judgment on record.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

**C.P.No.54/2021 in O.A.No.433/2014 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

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

2. **S.O. next weeks.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Chairman  
Date:-29/07/2022.  
aps.**

**(Shree Bhagwan)  
Vice**

**O.A.No.159/2013 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

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. 10.08.2022 to file affidavit as per direction given by the Tribunal order dated 23.03.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice**

**O.A.No.113/2015 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Shri P.S.Sahare, the ld. Counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondents, Shri S.N.Gaikwad, ld. Counsel for the respondent nos. 5 to 7, Shri A.R.Bhole, ld. Counsel for the respondent no. 4. None for the R-8 & 9.

2. At the request of ld. Counsel for the respondent no. 4, **S.O. 08.08.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

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

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

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

2. At the request of ld. P.O., **S.O. 04.08.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.854/2019 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 29/07/2022.**

Heard Smt. V.P.Thakre, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. next week.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-29/07/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**