

**O.A. 220/2021 (D.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 30/03/2021.**

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

2. The Id. P.O. desires time to file reply from the Irrigation Department as directed vide order dated 9/3/2021 mainly on letter dated 17/4/2012 (A-7,P-26).

3. The Id. P.O. desires three weeks time to file reply. At his request, **S.O. 19/4/2021 (PH).**

Put up along with O.A. 343/2019.

**Vice-Chairman**

dnk.

**O.A. 343/2019 (D.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 30/03/2021.**

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

2. Considering the order passed by the Hon'ble High Court in Writ Petition No.1560/2020 delivered on 29/1/2021 a detailed order is required to be passed by this Tribunal.

**S.O. 19/4/2021 (PH).**

Put up along with O.A. 220/2021.

**Vice-Chairman**

dnk.

(D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 30/03/2021.**

**C.A. 66/2021 in C.P. 38/2019 in O.A. 434/2015**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. It is submitted that Shri V.A. Kulkarni, Id. P.O. appears in this matter. However, the Id. P.O. is directed to trace the movement of file and on what stage a file is pending that should be also brought to the notice of this Tribunal during the next date of hearing.

**S.O. 19/4/2021.**

**Vice-Chairman**

dnk.

**O.A.No.223/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. As pointed out by Id. counsel for the applicant in reply of respondent no. 2 in para nos. 08 and 14, it has been pointed out that till 17.08.2020 office of the Dist. Health Officer, Z.P. not send a parawise comment to the office of the answering respondent and he has not paid any attention to the issue.

4. In view of this, District Health Officer, Z.P., Amravati directed to supply necessary information **within 10 days to the respondent no. 2** for filling reply; failing which he should be present personally before this Tribunal during next date of hearing and explain what is the reason for not supplying the necessary information.

5. In view of above observations, respondent no. 2 i.e. Deputy Director of health services, Akola is directed to take necessary action against DHO, Amravati for not co-operating in supply of information for the reply by respondent no. 2.

6. S.O. 15.04.2021.

7. Steno copy is granted.

**Date:-30/03/2021.**  
aps.

**Vice Chairman**

**O.A.No.204/2021 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

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

2. As per the O.A.; the applicant was appointed as Talathi in District Gadchiroli on 02.02.1990. The applicant took Voluntary Retirement in August, 2016. The A.G., Nagpur has sanctioned provisional pension to the applicant vide letter dated 22.06.2017 (A-A-15, P.B., Pg. No. 48) and applicant has been granted provisional pension from 22.06.2017.

3. The Id. P.O. desires to file reply, **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-30/03/2021.**  
aps.

**O.A.No.790/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri D.M.Kakani, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondents and Shri V.B.Gawali, the Id. counsel for the respondent no. 4.

2. The matter was heard on 15.03.2021 and in para no. 2 detailed order was passed which is produced below:-

*"2. As pointed out by the learned P.O. the applicant was first transferred by order dated 20/2/2019 (A-1,P-10) and posted from Tahsildar, Anjangaon, Dist. Amravati to Tahsildar, Balapur, Dist. Akola. Again vide order dated 1/10/2020 (A-2,P-14) Tahsildars transfer orders were issued and Shri D.L. Mukunde (R/4) was posted at Tahsildar, Balapur and as per para-3 of the order, the applicant was kept waiting. The said order was challenged by the other officers who were also kept waiting as per para-3. The transfer order dated 1/10/2020 (A-2,P-14) was quashed and set aside in O.A.Nos. 597 to 607 & 617&595 of 2020 vide order of this Tribunal dated 22/10/2020 (P-49). In order dated 22/10/2020 the present applicant was not an applicant and hence this order did not affect his position. Subsequently, vide order dated 19/11/2020 (A-3,P-18) the applicant was posted as Tahsildar, Mahagaon, Dist. Yavatmal at Sr.No.6. Now the applicant has approached this Tribunal. The applicant is aggrieved with both the orders dated 1/10/2020 (A-2,P-14) and 19/11/2020 (A-3, P-18)."*

3. Today, as submitted by Id. counsel for the applicant, in order dated 01.10.2020 (Annexure-A-2, P.B., Pg. No. 14) as well as order dated 19.11.2020 (Annexure-A-3, P.B., Pg. No. 18) both are not been

complied till today. The Id. counsel for the applicant has relied on Judgment in O.A. No. 597/2020 with C.A. No. 234/2020 & Ors. of this Tribunal. The Id. counsel for the applicant further submits that all these Judgments have been upheld by Hon'ble High Court also.

4. The Id. P.O. submits that he desires two weeks time to file reply. However, Id. counsel for the applicant submits that he is not getting salary since 01.10.2020 and hardship is caused to me and respondents have not filed reply till today.

5. The Id. P.O. is directed that two weeks time is granted for filing the reply and if respondents do not file the reply the matter will be decided after two weeks on merit. It is also made clear that since 01.10.2020 (Annexure-A-2, P.B., Pg. No. 14) the applicant is not given posting; so that period should be treated as compulsory waiting period and applicant is entitled for salary for that period.

6. **S.O. 15.04.2020.**

**Vice Chairman**

**Date:-30/03/2021.**

aps.

O.A.No.262/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.B.Rathod, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As submitted by Id. counsel for the applicant, the applicant was suspended on 11.09.2020 (Annexure-A-6, P.B., Pg. No. 32) and till now subsistence allowance is also not been paid as per para no. 4 of their own suspension order which is reproduced below:-

"gsfuyacu vlnsk tki ; ir veykr vkgf rki ; ir egkjk"V<sup>o</sup> ulxjh l ok  
%orZkpl% fu; e] 1979 P; k fu; e 16 e/ky rjrmhuq kj mDr  
depl&; kl [kktxh ukdjh fLodkjr k ; skj ulgh vFkok Lor%yk 0; ki kj  
vFkok m |ks/kdkr xqrou ?krk ; skj ulgh- tj fuyacu/khu vl rkuk mDr  
depl&; kus [kktxh ukdjh fLodkjh vFkok 0; ki kj vFkok m |ks/kdkr  
xqrou ?krsyrj R; kuh xjorZu dV; kpsl et.; kr ; bzy o rsuokgHlRrk  
fey.; kl vi k= Bjrhy-"

3. The applicant has approached to Hon'ble High Court in Criminal Application NO. 662/2020 where in para no. 6; Hon'ble High Court has given following order on P.B., Pg. No. 13 (Annexure-A-1):-

*"Though the investigating agency may continue with the investigation, shall not file the charge-sheet without leave of the court against the present applicant only"*

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

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

6. 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.

7. 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.

8. 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.

9. 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. six weeks.

**Vice Chairman**

**Date:-30/03/2021.**

aps.



**O.A.No.263/2021 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As submitted by Id. counsel for the applicant, the applicant was suspended vide order dated 19.11.2020 (Annexure-A-1, P.B., Pg. No. 10) while he was working as Revenue Assistant, in Z.P., District, Nagpur. As submitted by Id. counsel for the applicant, no chargesheet has been served till now by the respondents.

3. As representation submitted by the Id. counsel for the applicant by dated 24.02.2021, he is getting subsistence allowance as 50% while as per rule after three months i.e. after 18.02.2021, he should have been paid subsistence allowance as 75%.

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

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. four weeks.**

11. **Steno copy is allowed.**

11. *Meanwhile, respondents are directed to take decision on representation of applicant dated 24.02.2021 (Annexure-A-5(e) to (f)) at P.B., Pg. No. 21.*

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.71/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

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

2. The O.A. was filed on 08.02.2017 and in order dated 28.01.2021 in para no. 11 it was specifically mentioned to file seniority list by respondents. Today also the Id. P.O. submits that he is yet to receive instructions and requires time. As requested by Id. P.O., time is granted till 05.04.2021. However, it is also observed that if reply is not file till 05.04.2021; matter be heard on merit.

3. **S.O. 05.04.2021.**

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.702/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant has filed MAT Mumbai Bench Judgment in Review Application No. 21 of 2019 in O.A. No. 238 of 2016 with R.A. No. 09 of 2020 with O.A. Nos. 536 to 538 of 2018 with R.A. No. 13 of 2020 in O.A. Nos. 539 & 540 of 2018 and O.A. Nos. 775 to 777 of 2018 and O.A. Nos. 1084 of 2018 delivered by the Tribunal on 08.02.2021. As pointed out by the Id. counsel for the applicant in para nos. 5, 11, 14 & 15 of the Judgment; it has been mentioned that while deciding O.A. No. 617/2014 decided on 02.12.2015 and in para nos. 5, 11, 14 & 15 following observations have been made:-

*"5. Learned Special Counsel argued on behalf of the Respondents that, the case of the applicants hinges on the Govt. letter dated 18.03.1998 and 18.06.1998, in which it was stated that in consultation with the Finance Department, it was decided to consider services rendered in Work-Charged Establishment for Time Bound Promotion. Learned Special Counsel contended that, these letters are not authentic. There is no file on the record of the Water Resources Department from which these letters were issue. No entries are available to show that the file was*

*submitted and received back from the Finance Department. Learned Special Counsel stated that, these letters are contrary to the provisions of G.R. dated 08.06.1995 regarding Time Bound Promotion and have to be disregarded.*

*11. It is clear that a person can be given Time Bound Promotion, if he has rendered 12 years of regular service and was eligible to be promoted to the higher post. A circular dated 01.11.1995 was issued clarifying various issues raised by different department while implementing the provisions of G.R. dated 08.06.1995.*

*14. The applicant is relying on Govt. letters dated 18.03.1998 and 18.06.1998. These letters permit counting of service on the date of appointed in earlier cadre, ignoring on which establishment they were earlier appointed, for T.B.P. These letters are contrary to the clarifications issued by Circular dated 01.11.1995. The respondents have raised serious doubts about the authenticity of these letters.*

*15. The fact about the authenticity of these communications dated 18.03.1998 and 18.06.1998 being doubtful is mentioned repeatedly in the affidavit in reply. Even if, for the sake of arguments, it is accepted that, these communications are genuine and not fake, the fact remains that, they are contrary to the provisions contained in G.R. dated 08.06.1995 and Circular dated 01.11.1995. In fact, the whole concept of Regular Service and higher pay grade is overturned. We agree with the contention of the Respondents that, if that was the intention, a G.R. or Circular would have*

*been issued by G.A.D., who had issued G.R. dated 08.06.1995, modifying the scheme. It is noteworthy*

*that the post of C.E.A. exist in other Department, besides Water Resources Department, e.g. in P.W.D. and R.D.D. Authenticity of communications dated 08.03.1998 and 18.06.1998 does appear to be doubtful. Even if they are held to be genuine, they are contrary to the G.R. dated 08.06.1995 and Circular dated 01.11.1995."*

3. The question was asked to the Id. P.O. and as submitted by Id. P.O., respondents have taken stand that these letters are not traceable by the department.

4. In order dated 06.08.2019 in para no. 3 following observation was made:-

*"The Id. counsel for the applicant has pointed out G.R. No. 31.01.1989 of Irrigation Department, Annexure-A-1, P.B., Pg. No. 21 in which various posts have been merged into Civil Engineer Assistant Post. This G.R. have been adopted by P.W.D. department vide order dated 18.06.1998 (Annexure-A-3, P.B, Pg. No. 30) has given decision that 12 years service should be counted from the date of initially coming on the establishment. This communication was also adopted by P.W.D.*

*Department vide order dated 03.03.2006 (Annexure-A-5, P.B., Pg. No. 32)''*

5. The Id. counsel for the applicant has also filed W.P.No. 11204 of 2015 of Hon'ble High Court, Bombay, Bench at Aurangabad. The Id. counsel for the applicant has also filed Judgment of MAT, Mumbai Bench in Review Application No. 21 of 2019 in O.A. No. 238 of 2016 with R.A. No. 09 of 2020 with O.A. Nos. 536 to 538 of 2018 with R.A. No. 13 of 2020 in O.A. Nos. 539 & 540 of 2018 and O.A. Nos. 775 to 777 of 2018 and O.A. Nos. 1084 of 2018 delivered by the Tribunal on 08.02.2021 and in para no. 2, following observation has been made:-

"2. *Shortly stated facts giving rise to these RAs. are as under:-*

*All these Review Applications are arising from the decisions rendered in Original Applications in which common issue was whether the service of the applicants on work charged establishment can be considered for grant of TBP in terms of G.R. dated 08.06.1995. In all these O.As., the applicants were initially appointed on work charged establishment and thereafter, they were absorbed on the post of Civil Engineering Assistant. Initially, the respondents have granted TBP to them considering their service on work charged establishment. Accordingly, they availed the benefits till the retirement. It is after retirement only, in view of objections raised by Accountant General, the respondents down-graded their pay withdrawing the benefit of TBP and passed orders of recovery of excess payment paid to them on account of*

*grant of TBP. All these O.As. were head and decided by this Tribunal and impugned orders were quashed with the finding that applicants are entitled to consider their service done on work charged establishment for*

*computing the period of 12 years for the benefits of TBP."*

6. After these Judgments, Government made a Review Application which was dismissed on 08.02.2021. The Id. counsel for the applicant has submitted written notes of arguments on P.B., Pg. Nos. 86 to 89; where in para no. 7; he has written about G.R. issued by Government on dated 31.07.2013 and in rejoinder applicant already brought to notice that vide corrigendum dated 24.09.2013, Respondent no. 1 already clarified that after crossing age 45 years, such employee are entitled for pay fixation of Jr. Engineer.

7. As per letter issued by Irrigation Department dated 18.06.1998 (P.B., Pg. No. 91) 12 years ACP has been granted from date of working as technical assistant/ Mistri/ Karkoon/ Muster Karkoon etc. In the same way at P.B., Pg. No. 92, P.W.D. department has issued letter dated 05.08.1998; where reference no. 2; irrigation

department letter dated 18.06.1998 has been mentioned. It is crystal clear that Irrigation department and P.W.D. department are on the same line.

8. Vide letter dated 22.06.2007; P.W.D. department and Water Resource Department has mentioned in reference dated 18.06.1998; they have also followed the same principle.

9. As mentioned by the Id. counsel for the applicant in P.B., Pg. Nos. 14 & 16 of the O.A., he also claims the same relief from the date of initial appointment after crossing the age of 45 years and completion of 12 years of service.

10. **Closed for orders.**

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.197/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :30/03/ 2021.**

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

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

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.849/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :30/03/ 2021.**

Heard Shri A.P.Adhe, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 05.04.2021.**

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.63/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :30/03/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 15.04.2021.**

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.544/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri S.C.Deshmukh, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant has relied on G.R. dated 09.12.2016 (Annexure-R-2, P.B., Pg. No. 91). As pointed out by the Id. counsel for the applicant the paragraph below the table of G.R. dated 09.12.2016 which is placed by respondents, applicant was entitled from 01.10.2006.

3. In view of this situation, the applicant's case remanded back to respondents to take the decision as per paragraph below the table of G.R. dated 09.12.2016 (Annexure-R-2, P.B., Pg. No. 91).

4. As pointed out by Id. counsel for the applicant, respondents have filed their reply and reply at P.B., Pg. No. 79 they have given grading of C.R. of the applicant from 2001-2002 to 2005-2006 the table is reproduced below:-

2001-02 to 2005-06

YEAR	PERIOD	CONFIDENTIAL REPORT (FROM 2004-05 TO 2008-09)	REMARKS
2001-02	01.04.2002 TO 31.03.2003	B	Confidential report for last 5 years is not B+ (Absolutely good) and therefore considering the same he has been disqualified for second time bound promotion.
2002-03	01.04.2002 TO 31.03.2003	B+	
2003-04	01.04.2003 TO 31.03.2004	B+	
2004-05	01.04.2004 TO 05.02.2005	A	
2005-06	18.04.2005 TO 31.03.2006	B-	

However, Bench did not find their assessment as correct in remarks column.

In view of G.O.M., G.A.D., G.R. dated 01.08.2019  
Appendix-4:-

Arabic	Grading	Marks
د	d	2
د-	c-	3
ج	c	4
ج+	c+	5
ب	v	6
ب+	v+	8

According to the G.O.M., G.A.D., G.R. dated 01.08.2019 Appendix-4, applicant C.Rs. will become:-

Assessment year	Grading	Marks
2001-02	B	4
2002-03	B+	5
2003-04	B+	5

2004-05	A	6
2005-06	B-	3

The total of these five years C.Rs. are 23 marks and average of these five years C.Rs. are 23/5 i.e. 4.6 which is rounded-up as 5 and hence it is called as B+. So, applicant's C.R. for the period from 2001-02 to 2005-06 is B+ and as per remarks given in the reply. It is observed that it is not B+. Hence, the observations in the remarks column is not acceptable to the Tribunal.

5. In the year 2001-2006 the average C.R. was B+ and he would be entitled for following relief as per the G.R. dated 09.12.2016 (Annexure-R-II, P.B., Pg. No. 91) last para which is below:-

"ojhyiek.ksepak 1 l ekjhy jna dly; kp; k vuqkackustsdepkjh@vf/kdkjhg  
 fnukad 01-10-2006 rs fnukad 31-03-2010 ; k njE; ku 'kk l u l oru  
 l okfuorR >kys vkgr vFkok T; kps 'kk l u l or d k; jr vl r k u k l nj  
 dkyto/h njE; ku fu/ku >kysvkgr R; kpkcdMu l qkkr l okrxzr vk' okf l r  
 ixrh ; kst upk nq jk ykHk eatjhcrcP; k vVhph i nrzk >kY; kurj R; k u k  
 orufuf' prihk i R; {k ykHk gk QDr foRrhoru fo" k; d@ dlyq; fuoRroru  
 fo" k; d ykHk d f jr k p Eg.ktp fuoRroru@dlyq; fuoRrh oru] l okfuorR  
 mi nku eR; q mi nku r l p j tk j k [k d j . k ] ; k ykHk eatjhp; k iz kst ukFZ  
 vuqS j kghy- l c f /kr vf/kdkjh@depkjh ; k u k nq j k ykHk eatjhp; k  
 vuqkxusfidckdphjDde vuqS j kg. kj ulgh- "

6. However, as per provisions of G.R. which is below table and reproduced above the applicant is entitled for second time bound promotion from 01.10.2006, benefits will be limited to only pensionary benefits and therefore, benefits shall be

given **within six months from the date of this order.**

7. With the above directions, **O.A. stands disposed of with no order as to costs.**

**Vice Chairman**

**Date:-30/03/2021.**  
aps.

O.A.No.288/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out that options were asked by respondent and on P.B., Pg. No. 17 (Annexure-A-4) in condition no. 5 it was mentioned that there will not be any change in choice and applicant cannot cancel the choice also. Accordingly, applicant has given choice on P.B., Pg. No. 16 (Annexure-A-3) and his choice was Forest Washim, territorial and Social Forestry Section, Washim or any other vacant post at Washim. However, by impugned order dated 25.03.2021 (Annexure-A-6, P.B., Pg. No. 21) and on P.B., Pg. No. 24 his name is at Sr. No. 1 and he has posted to Wild Life, Pandarkowda.

3. Since, applicant choice has not been considered and as per respondents own letter, it was not cancelled or changed also. Aggrieved by this posting order, applicant came to this Tribunal. Hence, **transfer order dated 25.03.2021 at P.B., Pg. No. 21 is stayed to the extent of applicant till filing of reply.**

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

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. six weeks.**

11. *Put up this matter along with the O.A. Nos. 289 & 290/2021.*

**Vice Chairman**

**Date:-30/03/2021.**

aps.



**O.A.No.289/2021 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The applicant is a Head-Clerk and he has given his choices at Annexure-A-3, P.B., Pg. No. 15 and in para no. 6 he has mentioned four choices. Applicant has been transferred vide order dated 25.03.2021 (Annexure-A-7, P.B., Pg. No. 21) his name is at Sr. No. 1 at P.B., Pg. No. 23 and he has posted at Pandarkowda Wild Life.

3. Aggrieved with this transfer order, applicant has approached to this Tribunal. Hence, **transfer order dated 25.03.2021 (Annexure-A-7, P.B., Pg. No. 21) to the extent of applicant is stayed till filing of the reply.**

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

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. six weeks.**

11. *Put up this matter along with the O.A. Nos. 288 & 290/2021.*

**Vice Chairman**

**Date:-30/03/2021.**

aps.

O.A.No.290/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The applicant is a Forester and he has given his choice at Annexure-A-2, P.B., Pg. No. 13. Applicant has been transferred vide order dated 25.03.2021 (Annexure-A-5, P.B., Pg. No. 18) his name is at Sr. No. 4 at P.B., Pg. No. 21 and he has posted at Pandarkowda Wild Life.

3. Aggrieved with this transfer order, applicant has approached to this Tribunal. Hence, **transfer order dated 25.03.2021 (Annexure-A-5, P.B., Pg. No. 18) to the extent of applicant is stayed till filing of the reply.**

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

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

6. 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 on notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

9. 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.

10. **S.O. six weeks.**

11. *Put up this matter along with the O.A. Nos. 288 & 289/2021.*

**Vice Chairman**

**Date:-30/03/2021.**

aps.

**O.A.No.751/2020 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :30/03/ 2021.**

**C.A.No.103/2021:-**

Heard Shri R.Joshi, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The applicant was initially appointed as per order dated 02.11.2020 (Annexure-A-5, P.B., Pg. No. 23) for the period of 120 days on ad-hoc basis and as per condition no. 2 on P.B., Pg. No. 20, the appointment was only for the period of 120 days. It does not create applicant's right on that basis as per this condition, respondents have taken action. At the same time Government is bound to take candidates who have given bond to the Government for serving after the MBBS degree and Government is bound to offer them posting for the tenure of bond period. Keeping such candidates out and allowing a contract candidate to work on that post cannot be justified in the eyes of law.

3. In view of these facts, the applicant's claim cannot be entertain. Hence, **C.A. stands dismissed.**

O.A. NO. 751/2020:-

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

**Vice Chairman**

**Date:-30/03/2021.**

aps.