

**O.A.90/2023 (S.B.)**

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

**Dated :02/02/2023.**

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

2. The applicant is a Police Patil. He has suspended as per order dated 23.09.2022 w.e.f. 09.09.2022.

3. Learned counsel for the applicant has submitted that as per the judgment of in the case of **Ajay Kumar Choudhary v. Union of India**, the government of Maharashtra has issued G.R. dated 09.07.2019 for revoking the suspension after completion of period of 90 days. The case of the applicant is covered for revoking the suspension order as per the G.R. dated 9/7/2019.

4. Learned C.P.O. submits that he wants to get instructions from the respondents.

5. Issue notice to the respondents, returnable **after two weeks**. Learned C.P.O. waives notice for State. 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. after two weeks.**

**Vice Chairman**

rsm.

**O.A.110/2023 (S.B.)**

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

**Dated :02/02/2023.**

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

2. Issue notice to the respondents, returnable **after three weeks**. Learned C.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.

7. **S.O. after three weeks.**

**Vice Chairman**

rsm.

**O.A.112/2023 (S.B.)**

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

**Dated :02/02/2023.**

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

2. Issue notice to the respondents, returnable **after three weeks**. Learned C.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.

7. **S.O. after three weeks.**

**Vice Chairman**

rsm.

**O.A. 113/2023 (D.B.)**

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

**Dated : 02/02/2023.**

**C.A. 42/2023 -**

Heard Shri Deshpande along with Kavimandan, Id. counsels for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Both the applicants are pressing common disciplinary inquiry, they are seeking common relief. Hence, the C.A. for filing Jt. O.A. is allowed and disposed off.

**O.A. 113/2023 –**

Heard Shri Deshpande along with Kavimandan, Id. counsels for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **16/02/2023**. Learned C.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.

**8. The applicants are at liberty to press for interim relief on the next date.**

**S.O. 16/02/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.



O.A. 78/2010 (D.B.)

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

**Dated : 02/02/2023.**

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

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

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 100/2019 (D.B.)

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

**Dated : 02/02/2023.**

Shri Khanorkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondent nos.1&2 and Shri H.D. Marathe, Id. counsel for respondent nos.3 and 4.

2. The matter pertains to time bound promotion. Therefore, it be kept before Single Bench.

**S.O. three weeks.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 280/2022 (D.B.)

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

**Dated : 02/02/2023.**

Heard Shri Vinay Rathi, Id. counsel holding for Shri P.B. Patil, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

At the request of learned counsel for the applicant, **S.O. three weeks.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. 631/2020 (D.B.)

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

**Dated : 02/02/2023.**

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

2. The matter pertains to Single Bench. Therefore put up the matter before Single Bench.

**S.O. Next week.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 817/2022 (D.B.)

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

**Dated : 02/02/2023.**

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

At the request of learned CPO, **S.O.  
16/02/2023.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**O.A. 833/2018 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Shardha Kulkarni, Id. counsel holding for Shri S.S. Ghate, Id. counsel for applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3, Aasavari Kale, Id. counsel holding for Shri Deshpande, Id. counsel for respondent no.4. None for R-5.

At the request of learned counsel for respondent no.4, **S.O. two weeks.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.P. 48/2020 in O.A. 15/2019 (D.B.)**

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

**Dated : 02/02/2023.**

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

At the request of learned P.O., **S.O.**  
**09/02/2023.**

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

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

dnk.

O.A. 929/2021 (D.B.)

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.



**C.P. 81/2022 in O.A. 210/2022 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. next week.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.P. 82/2022 in O.A. 683/2022 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. next week.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 909/2022 (D.B.)

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 1093/2022 (D.B.)

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

**C.P. 88/2022 in O.A. 798/2022 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.A.104/2017 in O.A. 195/2017 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Shri Kavimandan, Id. counsel holding for Ku. K.K. Pathak, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

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

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**O.A. 847/2019 (D.B.)**

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

**Dated : 02/02/2023.**

**C.A. 19/2023 -**

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

For the reasons stated in the application, the C.A. for early hearing is allowed and disposed off.

**O.A. 847/2019 –**

Put up the matter for early hearing.

**S.O. 17/02/2023.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 599/2022 (D.B.)

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

**Dated : 02/02/2023.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State. Shri H.D. Marathe, Id. counsel appears and submits that he has filed Vakalatnama on behalf of respondent nos.2 and 3.

At the request of Shri H.D. Marathe, Id. counsel for respondent nos.2 and 3, **S.O. three weeks** for filing reply as a last chance.

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.



O.A. 1201/2022 (D.B.)

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

**Dated : 02/02/2023.**

Heard Shri S.A. Marathe, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply as a last chance.

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

**C.P. 73/2022 in O.A. 03/2020 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Shri N.R. Saboo, 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. two weeks** to get instructions.

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.P. 33/2022 in O.A. 89/2017 (D.B.)**

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

**Dated : 02/02/2023.**

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

2. The learned counsel for the applicant is directed to issue legal notice by name. Thereafter, the matter will be heard.

**S.O. after two weeks.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.P. 04/2023 in O.A. 955/2021 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue Notice to the respondents returnable **after 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.

3. The learned P.O. waives notice for State. Hamdast granted.

**S.O. after four weeks.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.P. 06/2023 in O.A. 74/2020 (D.B.)**

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

**Dated : 02/02/2023.**

Heard Sunil Pande, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue Notice to the respondents returnable **after 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.

3. The learned P.O. waives notice for State. Hamdast granted.

**S.O. after four weeks.**

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

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 449/2005 (D.B.)

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

**Dated :** 02/02/2023.

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

The matter is of the year 2005.

**The matter be kept on 15/02/2023 high  
on board.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. 102/2018 (D.B.)

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

**Dated :** 02/02/2023.

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

At the request of learned counsel for the  
applicant, **S.O. 16/02/2023.**

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

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

(D.B.)

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

**Dated :** 02/02/2023.

**C.P.70/2022 in O.A. 506/2017, C.P. 38/2022 in  
O.A.102/2020,C.P. 39/2022 in O.A.545/2021,  
C.P. 40/2022 in O.A.858/2020, C.P. 41/2022 in  
O.A. 316/2020, C.P.47/2022 in O.A.852/2019,  
C.P. 52/2022 in O.A.910/2019, C.P. 53/2022 in  
O.A.867/2019, C.P. 59/2022 in O.A.1005/2019**

Heard Shri N.R. Saboo, learned counsel for the applicants and Shri S.A. Sainis, Id. P.O. for State / respondents.

2. The learned P.O. has pointed out the order passed by the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.709/2023 and submits that the similar matter is pending before the Hon'ble High Court. All the O.As. are decided by the Single Bench relying on the Judgment in the case of ***State of Maharashtra Vs. Uttam N. Vendait*** in which the MAT Bench at Aurangabad held that the service of Mustering Assistant shall be counted from the date of his initial engagement for the purpose of pensionary benefits. Some of the matters went to the Hon'ble Supreme Court. The Hon'ble Supreme Court in the case of ***Shaikh Miya S/o Shaikh Chand Etc. Vs. State of Maharashtra*** has held that for the purpose of pensionary



benefits the date **31/03/1997** shall be the date for the purpose of counting the service for pensionary benefits. In the present matters, the orders were passed before the Judgment of Hon'ble Supreme Court. The Judgment of Hon'ble Supreme Court in the case of ***Shaikh Miya S/o Shaikh Chand Etc. Vs. State of Maharashtra*** is dated 07/09/2022. Though the orders can be reviewed, but the learned P.Os. have not taken any cognizance to file review application before this Tribunal.

3. In view of above, the learned P.Os. are requested to file review application before this Tribunal so that the order can be passed in view of the Judgment of Hon'ble Supreme Court in the case of ***Shaikh Miya S/o Shaikh Chand Etc. Vs. State of Maharashtra***.

4. If none of the parties is filed any review application, the Single Bench may *suo motu* review the order passed in the Contempt Petition.

Put up all the matters before Single Bench **on 06/02/2023.**

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

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

**C.A. 360/17 in C.P. 38 / 2017 in O.A. 662/2012  
(D.B.)**

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

**Dated : 02/02/2023.**

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

2. The learned counsel for the applicant pointed out the reply filed by respondent no.1 dated 11/10/2022. The para-3 of the reply is reproduced as below –

*“(3) It is submitted that the respondent no.2 till today has not communicated the merit number of recommended candidate to the answering respondent till today. The recommended candidates had joined the services on the selected posts of Assistant Commissioner, Animal Husbandry after the date of appointment order. The answering respondent had placed them in the seniority list of the cadre of Assistant Commission, Animal Husbandry as per the provisions of MCS (Regulation of Seniority) Rules,1982 particularly as per Rule 4 sub clause 2 (a). The answering respondent further submitted that the present applicants will be given the seniority as per the above rule. The applicants have recently joined on the selected posts of Assistant Commissioner, Animal Husbandry and their*

*placement in the cadre of Assistant Commissioner, Animal Husbandry will be shown in the forthcoming seniority list published by the department.”*

2. It appears that MPSC i.e. respondent no.4 not communicating the merit numbers of the recommended candidates and therefore the recommended candidates who had joined the services on the selected post of Assistant Commissioner, Animal Husbandry after date of appointment order, they were shown in the seniority list, but the applicants' name are not shown in the select list because the respondent no.4 not supplied the merit list. The respondent no.4 is served, but not filed any reply.

3. The learned P.O. to get instructions from respondent no.4.

**S.O. two weeks.**

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

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

dnk.

**C.P. 79/2022 in O.A. 640/2020 (D.B.)**

**( Vilas R. Bhandarkar Vs. State of Mah. & Ors.)**

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

**Dated : 02/02/2023.**

Heard Shri R.M. Fating, learned counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. While deciding the O.A.No. 640/2020, it was pointed out that proposal is pending to give the deemed date of promotion. The para-5 of the order passed by Single Bench of this Tribunal is reproduced below -

*"5. The applicant is claiming for deemed date. it is also recommended by respondent no.2 from time to time and lastly on 14/12/2015. As per the recommendation, the applicant is entitled for deemed date of the post of Tahsildar w.e.f. 5/10/2007. That is not decided by the respondents. In that view of the matter following order is passed – **ORDER***

*1) The O.A. is allowed.*

*2) The respondent no.1 is directed to give sanction of deemed date of promotion to the applicant on the post of Tahsildar w.e.f. 5/10/2007 and give all consequential benefits as per rules within a period of two months.*

*3) No order as to costs. "*

3. Thereafter also on 19/08/2022, the respondent no.2 has submitted the proposal to respondent no.1 for finalizing the proposal dated 14/12/2015 and for compliance of order, but till date no action is taken. Copy of letter dated 19/08/2022 filed by learned counsel is taken on record and marked Exh-X for the purpose of identification.

4. The respondent no.1 is directed to take decision as per the proposal dated 14/12/2015 and as per the letter / proposal dated 19/08/2022 within a period of three weeks. If the decision is not taken, the concerned officer shall remain present before this Tribunal.

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

Steno copy is granted.

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

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

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