

O.A.No.07/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 05/01/2023.

Heard Shri B.Dafle, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Learned counsel for the applicant has placed on record copy of letter dated 12.11.2022 issued by the Hon'ble Minister. This order states as follows-

विषय - जिल्हा शल्यचिकित्सक संवर्गातील बदल्यांबाबत.

संदर्भ - महाराष्ट्र शासन, सार्वजनिक आरोग्य विभाग, शासन

आदेश क्रमांक/बदली - २०२२/प्र.क्र.३१४/सेवा - २

दिनांक - ११/११/२०२२.

उपरोक्त संदर्भीय विषयाबाबत "माता सुरक्षित घर सुरक्षित" अभियान सुरु असलेने प्रशासकीय कारणास्तव दिनांक - ११/११/२०२२ चे प्रशासकीय बदली अमलबजावणीस पुढील आदेश होईपर्यंत तात्पुरती स्थगिती देणेत येत आहे.

In this order there is a specific reference to the impugned order dated 11.11.2022.

3. Learned C.P.O. seeks time till tomorrow to make a statement about the order of stay on which the applicant intends to rely.

4. **S.O. 06.01.2023.**

Member (J).

rsm.

O.A.No.1256/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 05/01/2023.

Heard Shri S.Y.Deopujari, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Interim order is extended till next date.
3. **S.O. 12.01.2023.**

Member (J).

rsm.

O.A.No.89/2022 (D.B.)

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

Dated : 05/01/2023.

C.P.No.33/2022

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

2. Learned counsel for the applicant is directed to serve legal notice first.

3. **S.O. four weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.925/2021 (D.B.)

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

Dated : 05/01/2023.

C.P.No.48/2022

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

2. Learned P.O. has filed reply of respondent no.1. It is taken on record. Copy supply to the learned counsel for the applicant.

3. **S.O. next week.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.640/2022 (D.B.)

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

Dated : 05/01/2023.

C.P.No.79/2022

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

2. On oral request of ld. P.O., **S.O. four weeks to file reply.**

Member(J)

Date:-05/01/2023.

rsm.

Vice Chairman

O.A.No.210/2022 (D.B.)

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

Dated : 05/01/2023.

C.P.No.81/2022

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

2. Learned P.O. submits that process is going on and the proposal of applicant is submitted to G.A.D. is in the process and it will take four weeks time. Considering his statement, four weeks time is granted.

3. **S.O. four weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.683/2022 (D.B.)

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

Dated : 05/01/2023.

C.P.No.82/2022

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

2. The learned P.O. seeks four weeks time to file reply of respondent no.1. Four weeks time is granted with specific instructions that the learned P.O. should file compliance report if not possible to stage of process of decision.

3. **S.O. four weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

**O.A.No.83/2020 with O.A.No.84/2020
(D.B.)**

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

Dated : 05/01/2023.

None for the applicant. Heard Shri S.A.Deo,
ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. four weeks
to file reply.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.158/2020 (D.B.)

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

Dated : 05/01/2023.

Heard Adv.Tripathi, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Await service to respondent no.2.

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

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.784/2019 (D.B.)

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

Dated : 05/01/2023.

C.A.No.475/2022,

C.A.No.548/2022&

C.A.No. 549/2022

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. Shri A.Motlog for Intervenor.

2. Intervention of applications are allowed. C.A.No.475/2022, C.A.No.548/2022 & C.A.No.549/2022 all C.As. are allowed. These matters are kept for final hearing.

3. **S.O. 1st week of February 2023.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.448/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. Learned counsel for the applicant has pointed out that the order was passed on 22.09.2022 mentioning that if reply is not filed till next date, the matter will be heard on its own merits. Again the matter was heard on 13.10.2022 last chance was granted. Again matter was heard on 22.12.2022 last chance was granted to file reply.

3. Today also learned P.O. has not filed reply. In this situation, matter is kept for final hearing on **23.01.2023.**

4. Meanwhile if the reply is filed by P.O., copy be supplied to the applicant.

5. **S.O.23.01.2023.**

6. **Steno copy is granted.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.614/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. Learned P.O. has filed reply of respondent no.2. It is taken on record. It is sufficient. The matter is **admitted** and kept for final hearing.

3. Learned P.O. waives notices for the respondents.

4. **In due course.**

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

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.977/2022 (D.B.)

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

Dated : 05/01/2023.

Heard Shri S.G.Karmarkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. Await service to respondents 2 to 6.

2. Learned P.O. seeks four weeks time to file reply.

3. **S.O. four weeks.**

Member(J)

Date:-05/01/2023.

rsm.

Vice Chairman

O.A.No.988/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. Matter was heard on 08.12.2022 last chance was granted. Today again learned P.O. seeks three weeks time to file reply. If reply is not filed in three weeks, matter will be heard finally.

3. **S.O. three weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.1078/2022 with
O.A.No.1079/2022 with
O.A.No.1085/2022 with
O.A.No.1110/2022 (D.B.)

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

Dated : 05/01/2023.

Heard Shri R.S.Khobragade, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Await service of respondents 2 to 4.

2. As per the submission of learned counsel for the applicant, respondents are served. He will file service affidavit.

3. **S.O. three weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.1201/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. The learned counsel for the applicant submits that this matter pertains to pension.

3. Learned P.O. desires four weeks time to file reply.

4. **S.O. four weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.369/2022 with
O.A.No.394/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**
Dated : 05/01/2023.

Heard Adv. W. Daigavane, holding for Shri H.D.Dangre, Id. Counsel for the applicants and Shri S.A.Deo, Id. C.P.O. along with Shri S.A.Sainis, Id. P.O. for the respondents.

2. Learned C.P.O. has pointed out that there is confusion before the M.P.S.C. regarding order dated 1/8.04.2022 and order dated 16.12.2022 whether the result of all candidates has to be declared or only the applicants' result should be declared. Learned C.P.O. submitted that the M.P.S.C. be permitted to declare the result of all other candidates except applicants and the applicants' result in sealed envelope may be placed before this Bench and it be opened in the Court.

3. **S.O. three weeks.**

4. **Steno copy is granted.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.1163/2022 (D.B.)

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

Dated : 05/01/2023.

Heard Shri P.P.Khparde, holding for Shri G.G.Bade, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents. Await service of respondent no.2.

2. Learned P.O. submits that maintainability of the O.A.

3. On oral request of learned counsel for the applicant, **S.O. 09.01.2023.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.1255/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. Learned counsel for the applicant is directed to collect the Hamdast.

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

Member(J)

Date:-05/01/2023.

rsm.

Vice Chairman

O.A.No.239/2022 (D.B.)

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

Dated : 05/01/2023.

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents 1 & 4. None for the respondents 2 & 3.

2. Put up this matter before Single Bench.

Member(J)

Date:-05/01/2023.

rsm.

Vice Chairman

O.A.No.01/2023 (D.B.)

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

Dated : 05/01/2023.

Heard Adv. S.A.Pathak, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents. Await service of respondents 2 and 3.

2. The matter was heard on 03.01.2023. As per communication issued by Sir J.J.Medical Hospital, Mumbai, dated 23.03.2022 the learned C.P.O. was directed to take instructions regarding eligibility of applicant to work on the post of administrative category. Today learned C.P.O. has produced letter dated 4.01.2023 issued by Agriculture and Animal Husbandry, Dairy Development and fisheries Department. In this letter in second para it has been mentioned that technical work as well as administrative work necessary for the administrative post. The 2nd para is reproduced below-

त्याचबरोबर मा.न्यायाधिकरणाच्या सविनय निदर्शनास आणुन देण्यात यावे की, पशुधन विकास अधिकारी (विस्तार) या पदाचे काम जरी प्रशासकीय स्वरूपाचे असल्याचे नमुद केले असले तरी, सदर पदाच्या कर्तव्य व जबाबदा-यांचे अवलोकन केले असता या पदाच्या कामाचे स्वरूप हे संमिश्र स्वरूपाचे (प्रशासकिय तसेच तांत्रिक) स्वरूपाचे असल्याचे संदर्भ क्र.२ अन्वये कळविले आहे. (कर्तव्य व जबाबदा-या प्रत सोबत जोडली आहे.) याचिकेर्तर्गत नमुद पदाच्या कर्तव्य व जबाबदा-या या संमिश्र स्वरूपाच्या असल्यामुळे पशुधन विकास अधिकारी संवर्गाच्या दि.२२/१२/१९८८ रोजी अधिसूचित सेवाप्रवेश नियमांमध्ये या संवर्गातील प्रशासकिय पदे वेगळी दर्शविण्यात आलेली नाहीत. तसेच या संवर्गात कार्यरत पशुधन विकास अधिका-यांच्या बदल्या संवर्गातर्गत

सर्व पदांवर होत असल्यामुळे त्यांना सदर पदाची तांत्रिक कामे पार पाडणे बंधनकारक आहे.

3. At the request of learned counsel for the applicant matter is kept on 11.01.2023.

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

**Rev.A.No.15/2019 in C.P.18/2018 in
O.A.No.524/2013 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 05/01/2023.**

Heard Shri S.U.Bhuyar, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State.

Rev.A.No.15/2019

2. Issue notice to Respondent nos.1 to 4, 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.

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

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.702/2022 (D.B.)

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

Dated : 05/01/2023.

Heard Shri N.S.Warulkar, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondent no.1. Smt. M.P.Munshi, ld. Counsel for the respondent no.2. None for the respondents 3 & 4.

2. Both the learned P.O. and learned counsel for the Zilla Parishad are directed to take instructions and filed on record.

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

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.1236/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. In this O.A. order dated 17.11.2022 passed by respondent no.2 is impugned. By the impugned order appeal preferred by the applicant was not entertained on the ground that it was barred by limitation.

3. It is submitted that the applicant had wrongly preferred appeal before Additional Director General of Police, S.R.P.F., Mumbai within time and the ultimate delay in filing the proceeding in the nature of appeal before the appropriate authority was caused on account of availing a wrong remedy.

4. It is submitted on behalf of the applicant that under such circumstances the time which was consumed because of availing wrong remedy ought to have been excluded while computing limitation in view of Section 14 of the Limitation Act. There is merit in this submission. Hence, the order.

ORDER

The O.A. is allowed in the following terms-

The respondent no.2 shall decide the appeal to which a reference is made at serial number 1 in

Annexure A-8 dated 17.11.2022 - on its own merits expeditiously as the delay caused is attributable to availing a wrong remedy.

No order as to costs.

Steno copy is granted.

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.394/2015 (D.B.)

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

Dated : 05/01/2023.

None for the applicant and Shri S.A.Deo, Id.
C.P.O. for the respondents.

2. **S.O. six weeks.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

**O.A.No.378/2018 with C.A.36/2019
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 05/01/2023.**

Heard Shri R.M.Fating, holding for Shri
M.R.Khan, ld. Counsel for the applicant and Shri
A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of ld. counsel for the
applicant, **S.O. three weeks.**

**Member(J)
Date:-05/01/2023.
rsm.**

Vice Chairman

O.A.No.370/2020 (D.B.)

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

Dated : 05/01/2023.

Heard Adv.S.Thakur, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

2. As per the submission of learned counsel for the applicant similar matters are pending. All matters be tagged and put up before the same Bench. Registry is directed to tag all the matters and put up before the same Bench.

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

**O.A.No.501/2020 with C.A.369/2020
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 05/01/2023.**

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

2. By consent of both the parties, **S.O.**
20.01.2023.

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

O.A.No.135/2022 with
O.A.No.136/2022 with
O.A.No.137/2022 with
O.A.No.138/2022 (D.B.)

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

Dated : 05/01/2023.

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

2. On oral request of ld. counsel for the applicant, **S.O. 20.01.2023.**

Member(J)
Date:-05/01/2023.
rsm.

Vice Chairman

**O.A.No.287/2022 with C.A.No.406/2022
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 05/01/2023.**

Heard Shri N.B.Rathod, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of Id. counsel for the applicant, **S.O. three weeks.**

**Member(J)
Date:-05/01/2023.
rsm.**

Vice Chairman

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

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

Dated : 05/01/2023.

Heard Shri A.B.Moon, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents 1 to 3 and Shri A.M.Meshram, ld. counsel for the respondent no.4.

2. On oral request of ld. counsel for the applicant, **S.O. 12.01.2023.**

Member(J)

Date:-05/01/2023.

rsm.

Vice Chairman