

**O.A.256/2019 with O.A.257/2019 with
O.A.258/2019 (S.B.)**

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

Dated : 05/12/2022.

C.A.453/2022, C.A.454/2022 & C.A.455/2022

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Looking to the ground. C.As. are allowed. Amendment be carried out within two weeks.

3. **S.O.19.12.2022.**

Vice Chairman

rsm.

O.A.616/2019 (S.B.)

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

Dated : 05/12/2022.

Heard Shri S.Pande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Reply of respondent no.3 is filed on record. As per the submission of learned P.O. it is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

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

4. **In due course.**

Vice Chairman

rsm.

O.A.43/2020 (S.B.)

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

Dated : 05/12/2022.

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

2. The learned P.O. seeks time to file reply of respondent no.2 on last date. Last chance was granted with this direction. If reply of respondent no.2 is not filed, the matter will be admitted for final hearing.

2. **S.O.03.01.2023.**

Vice Chairman

rsm.

O.A.557/2020 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for V.A.Kothale, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. It is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

3. **S.O.02.01.2023.**

Vice Chairman

rsm.

O.A.682/2020 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for V.A.Kothale, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Shri T.M.Zaheer, ld. counsel for the respondent nos.2 & 3.

2. At the request of ld. counsel for the respondent nos.2 & 3, **S.O. 19.12.2022 for filing reply.**

Vice Chairman

rsm.

O.A.711/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.12.2022 for filing reply.**

Vice Chairman

rsm.

O.A.721/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri I.S.Wankhede, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks for filing reply as a last chance.**

Vice Chairman

rsm.

O.A.934/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri Kunal Dhoble, holding for Shri R.L.Kadu, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks for filing reply as a last chance.**

Vice Chairman

rsm.

O.A.985/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for V.A.Kothale, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.12.2022 for filing reply.**

Vice Chairman

rsm.

O.A.227/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri S.Pande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 20.12.2022** for filing reply as a last chance.

Vice Chairman

rsm.

O.A.368/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri M.G.Sarda, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. It is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

3. **S.O.13.12.2022.**

Vice Chairman

rsm.

**O.A.434/2022 with O.A.435/2022
with O.A.436/2022 (S.B.)**

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

Dated : 05/12/2022.

Heard Shri N.S.Autkar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Shri T.M.Zaheer, ld. counsel for the respondent nos.3 and 4

2. At the request of ld. counsel for the respondent nos.3 and 4, **S.O. 12.12.2022.**

Vice Chairman

rsm.

O.A.496/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri C.M.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. It is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

3. **S.O.19.12.2022.**

Vice Chairman

rsm.

O.A.598/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for Shri D.P.Dapurkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondents. It is taken on record. The matter is **admitted** for final hearing.

3. **S.O.19.12.2022.**

Vice Chairman

rsm.

O.A.641/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Smt.A.S.Uikey, holding for Shri N.B.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni , ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for filing reply.**

Vice Chairman

rsm.

O.A.675/2022 (S.B.)

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

Dated : 05/12/2022.

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

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. The learned P.O. seeks time to file reply of other respondents.

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

Vice Chairman

rsm.

O.A.836/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Smt.Shraddha Kulkarni, holding for Shri S.S.Ghate, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 13.12.2022** for filing reply.

3. **Amendment is carried out.**

Vice Chairman

rsm.

O.A.857/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.S.Malokar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Await service of respondents 2 to 5.

2. Issue notice to Respondents, returnable **after two 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. two weeks.**

Vice Chairman

rsm.

O.A.862/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri P.B.Patil, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1, 3 & 4. None for the respondent no.2.

2. At the request of ld. P.O., **S.O. two weeks for filing reply as a last chance.**

Vice Chairman

rsm.

O.A.908/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 to 3. Shri M.Sheikh, ld. counsel for the respondent no.4. None for the respondent no.5.

2. At the request of ld. P.O., **S.O. 19.12.2022** for filing reply.

Vice Chairman

rsm.

O.A.920/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri S.Pande, holding for Shri N.D.Thombre, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 13.12.2022** for filing reply.

Vice Chairman

rsm.

O.A.1059/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for filing reply.**

Vice Chairman

rsm.

O.A.1082/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. four weeks for filing reply.**
3. **I.R. to continue till next date.**

Vice Chairman

rsm.

O.A.970/2022 (S.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. P.O., **S.O. 20.12.2022 for admission/final hearing.**

Vice Chairman

rsm.

O.A.36/2017 (S.B.)

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

Dated : 05/12/2022.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents 1 & 4. Shri Lokesh Dadmal, holding for Shri S.G.Jagtap, ld. counsel for the respondents 2 & 3.

2. At the request of ld. P.O., **S.O. 14.12.2022.**

Vice Chairman

rsm.

O.A.927/2017 with C.A.404/2022
(S.B.)

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

Dated : 05/12/2022.

Heard Shri P.P.Kotwal, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. S.O. 13.12.2022.

Vice Chairman

rsm.

O.A.483/2018 (S.B.)

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

Dated : 05/12/2022.

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. 19.12.2022.**

Vice Chairman

rsm.

O.A.760/2018 (S.B.)

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

Dated : 05/12/2022.

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

**2. S.O. after three weeks for order/
hearing.**

Vice Chairman

rsm.

O.A.566/2019 (S.B.)

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

Dated : 05/12/2022.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents 1 to 3 & 6. Shri M.Shaikh, ld. counsel for the respondent nos.4 & 5.

2. At the request of ld. P.O., **S.O. three weeks for final hearing.**

Vice Chairman

rsm.

O.A.896/2019 (S.B.)

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

Dated : 05/12/2022.

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

2. **S.O. 06.01.2023.**

Vice Chairman

rsm.

O.A.481/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 10.01.2023 for final hearing.**

Vice Chairman

rsm.

**O.A.935/2021 with O.A.936/2021
(S.B.)**

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

Dated : 05/12/2022.

Heard Shri G.N.Khanzode, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 15.12.2022.**

Vice Chairman

rsm.

O.A.154/2022 (S.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. P.O., **S.O. 06.01.2023.**

Vice Chairman

rsm.

O.A.890/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondent no.1. Shri N.S.Warulkar, ld. counsel for the respondent no.2.

2. **S.O. 12.12.2022.**

3. **P.H.**

Vice Chairman

rsm.

O.A.273/2022 (S.B.)

(Mohanlal Nagorao Sathawane Vs. State of Maharashtra & Others.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. The matter was decided at the Order stage.

2. The case of the applicant in short is as under.

The applicant was engaged as a Mustering Assistant on 24.10.1979. As per the G.R. Mustering Assistant were absorbed in a regular service. Applicant's service was regularised and he was absorbed as a Junior Clerk in the Collector Office, Wardha. Thereafter, applicant was transferred to Bhandara. Applicant came to be retired on 31.10.2011 on superannuation. The applicant is not getting pension. His initial service as a Mustering Assistant is not counted. Therefore, applicant approached to this Tribunal for direction to the respondents to count his service from the date of his initial engagement as a Mustering Assistant.

3. Respondents have not filed reply as per the submission of learned Advocate Shri R.V.Shiralkar this matter is covered by the judgment of Hon'ble Bombay High Court in case of **State of Maharashtra and 7 Others Vs. U.N. Vendait**, and the issue of date for counting the service is settled by the Hon'ble Supreme Court in the case of **Shaikh Miya s/o Shaikh Chand- Vs- State of Maharashtra** decided on 07.09.2022.

4. The Hon'ble Bombay High Court Bench at Aurangabad in the case of **State of Maharashtra and 7 Others Vs. U.N. Vendait**, has held that the services of Mustering Assistant shall be counted from their initial date of engagement as a Mustering Assistant for the purpose of pensionary benefits only. One of the judgment of Bombay High Court Bench at Aurangabad was challenged before the Hon'ble Supreme Court. Hon'ble Supreme Court in the case of **Sheikh Miya s/o Shaikh Chand** has held the notional date of Mustering Assistant for the purpose of pensionary benefits shall be 31.03.1997. In view of law settled by Hon'ble Supreme Court the applicant is entitled to count his service from 31.03.1997. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The respondents are directed to count the service of applicant from 31.03.1997 for the purpose of pensionary benefits only and pay the consequential benefits to the applicant within a period of three months from the date of the receipt of this order.
3. No order as to costs.

Vice Chairman

rsm.

O.A.1177/2022 (S.B.)

(Kavijeet S/o Suresh Patil Vs. State of Maharashtra and Others.)

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

Dated : 05/12/2022.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. The matter was decided at the Admission stage.

2. The learned Advocate Shri Palshikar has pointed out the judgment of Hon'ble Supreme Court in he case of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary & Anr.**, the Government Resolution dated 09.07.2019 and the judgment of Hon'ble Bombay High Court, Bench at Nagpur in W.P. No.7506/2018.

3. The learned counsel for the applicant has submitted that matter is squarely covered by the cited judgment and G.R. The applicant is suspended on 20.05.2022. Therefore, the O.A. will be disposed of without issuing notice.

4. Heard P.O. Shri A.M.Ghogre. He seeks time to file reply. The order is dated 20.05.2022 and effect of suspension given from 04.05.2022. In view of the cited judgment there is no necessity to issue any notice to the respondents.

5. The applicant is suspended on 20.05.2022 w.e.f. 04.05.2022. As per the submission of learned Advocate the charge sheet is served on 05.09.2022. The G.R. dated 09.07.2019 is read as under-

शासन निर्णय :-

१. या अनुषंगाने शासकीय कर्मचा-यांच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिका-यांच्या स्तरावर घेण्यात यावा.

ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा.सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.

iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधित प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

6. Hon'ble Bombay High Court, Bench at Nagpur in W.P.7506/2018 has held that Government has issued the G.R. dated 09.07.2019 as per the G.R. the charge sheet at list is to be issued within three months, if not issued then the suspension is to be revoked. The learned counsel for the applicant has pointed out the judgment of this Tribunal in O.A.853 of 2021.

7. The charge sheet is not issued to the applicant within 90 days as per the Government Resolution dated 19.07.2019 the suspension is to be revoked. Hence, in view of the judgment of Hon'ble Supreme Court in the case of Ajay Kumar Choudhary and Government Resolution of 19.07.2019 impugned suspension order is liable to be revoked. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The impugned suspension order dated 20.05.2022 is hereby revoked.

3. The respondents are directed to reinstate the applicant within a period of one month from the date of the receipt of this order.

4. No order as to costs.

5. Steno Copy is granted.

Vice Chairman

rsm.

**O.A.256/2019 with O.A.257/2019 with
O.A.258/2019 (S.B.)**

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

Dated : 05/12/2022.

C.A.453/2022, C.A.454/2022 & C.A.455/2022

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Looking to the ground. C.As. are allowed. Amendment be carried out within two weeks.

3. **S.O.19.12.2022.**

Vice Chairman

rsm.

O.A.616/2019 (S.B.)

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

Dated : 05/12/2022.

Heard Shri S.Pande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Reply of respondent no.3 is filed on record. As per the submission of learned P.O. it is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

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

4. **In due course.**

Vice Chairman

rsm.

O.A.43/2020 (S.B.)

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

Dated : 05/12/2022.

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

2. The learned P.O. seeks time to file reply of respondent no.2 on last date. Last chance was granted with this direction. If reply of respondent no.2 is not filed, the matter will be admitted for final hearing.

2. **S.O.03.01.2023.**

Vice Chairman

rsm.

O.A.557/2020 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for V.A.Kothale, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. It is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

3. **S.O.02.01.2023.**

Vice Chairman

rsm.

O.A.682/2020 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for V.A.Kothale, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Shri T.M.Zaheer, ld. counsel for the respondent nos.2 & 3.

2. At the request of ld. counsel for the respondent nos.2 & 3, **S.O. 19.12.2022 for filing reply.**

Vice Chairman

rsm.

O.A.711/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.12.2022 for filing reply.**

Vice Chairman

rsm.

O.A.721/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri I.S.Wankhede, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks for filing reply as a last chance.**

Vice Chairman

rsm.

O.A.934/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri Kunal Dhoble, holding for Shri R.L.Kadu, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks for filing reply as a last chance.**

Vice Chairman

rsm.

O.A.985/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for V.A.Kothale, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.12.2022 for filing reply.**

Vice Chairman

rsm.

O.A.227/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri S.Pande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 20.12.2022** for filing reply as a last chance.

Vice Chairman

rsm.

O.A.368/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri M.G.Sarda, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. It is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

3. **S.O.13.12.2022.**

Vice Chairman

rsm.

**O.A.434/2022 with O.A.435/2022
with O.A.436/2022 (S.B.)**

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

Dated : 05/12/2022.

Heard Shri N.S.Autkar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Shri T.M.Zaheer, ld. counsel for the respondent nos.3 and 4

2. At the request of ld. counsel for the respondent nos.3 and 4, **S.O. 12.12.2022.**

Vice Chairman

rsm.

O.A.496/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri C.M.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. It is sufficient for other respondents. The matter is **admitted** and kept for final hearing.

3. **S.O.19.12.2022.**

Vice Chairman

rsm.

O.A.598/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.Kothale, holding for Shri D.P.Dapurkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondents. It is taken on record. The matter is **admitted** for final hearing.

3. **S.O.19.12.2022.**

Vice Chairman

rsm.

O.A.641/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Smt.A.S.Uikey, holding for Shri N.B.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni , ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for filing reply.**

Vice Chairman

rsm.

O.A.675/2022 (S.B.)

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

Dated : 05/12/2022.

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

2. The learned P.O. has filed reply of respondent no.3. It is taken on record. The learned P.O. seeks time to file reply of other respondents.

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

Vice Chairman

rsm.

O.A.836/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Smt.Shraddha Kulkarni, holding for Shri S.S.Ghate, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 13.12.2022** for filing reply.

3. **Amendment is carried out.**

Vice Chairman

rsm.

O.A.857/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri K.S.Malokar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Await service of respondents 2 to 5.

2. Issue notice to Respondents, returnable **after two 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. two weeks.**

Vice Chairman

rsm.

O.A.862/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri P.B.Patil, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1, 3 & 4. None for the respondent no.2.

2. At the request of ld. P.O., **S.O. two weeks for filing reply as a last chance.**

Vice Chairman

rsm.

O.A.908/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 to 3. Shri M.Sheikh, ld. counsel for the respondent no.4. None for the respondent no.5.

2. At the request of ld. P.O., **S.O. 19.12.2022** for filing reply.

Vice Chairman

rsm.

O.A.920/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri S.Pande, holding for Shri N.D.Thombre, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 13.12.2022**
for filing reply.

Vice Chairman

rsm.

O.A.1059/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for filing reply.**

Vice Chairman

rsm.

O.A.1082/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. four weeks for filing reply.**

3. **I.R. to continue till next date.**

Vice Chairman

rsm.

O.A.970/2022 (S.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. P.O., **S.O. 20.12.2022 for admission/final hearing.**

Vice Chairman

rsm.

O.A.36/2017 (S.B.)

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

Dated : 05/12/2022.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents 1 & 4. Shri Lokesh Dadmal, holding for Shri S.G.Jagtap, ld. counsel for the respondents 2 & 3.

2. At the request of ld. P.O., **S.O. 14.12.2022.**

Vice Chairman

rsm.

O.A.927/2017 with C.A.404/2022
(S.B.)

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

Dated : 05/12/2022.

Heard Shri P.P.Kotwal, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. S.O. 13.12.2022.

Vice Chairman

rsm.

O.A.483/2018 (S.B.)

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

Dated : 05/12/2022.

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. 19.12.2022.**

Vice Chairman

rsm.

O.A.760/2018 (S.B.)

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

Dated : 05/12/2022.

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

**2. S.O. after three weeks for order/
hearing.**

Vice Chairman

rsm.

O.A.566/2019 (S.B.)

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

Dated : 05/12/2022.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents 1 to 3 & 6. Shri M.Shaikh, ld. counsel for the respondent nos.4 & 5.

2. At the request of ld. P.O., **S.O. three weeks for final hearing.**

Vice Chairman

rsm.

O.A.896/2019 (S.B.)

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

Dated : 05/12/2022.

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

2. **S.O. 06.01.2023.**

Vice Chairman

rsm.

O.A.481/2021 (S.B.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 10.01.2023 for final hearing.**

Vice Chairman

rsm.

**O.A.935/2021 with O.A.936/2021
(S.B.)**

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

Dated : 05/12/2022.

Heard Shri G.N.Khanzode, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 15.12.2022.**

Vice Chairman

rsm.

O.A.154/2022 (S.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. P.O., **S.O. 06.01.2023.**

Vice Chairman

rsm.

O.A.890/2022 (S.B.)

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

Dated : 05/12/2022.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent no.1. Shri N.S.Warulkar, Id. counsel for the respondent no.2.

2. **S.O. 12.12.2022.**

3. **P.H.**

Vice Chairman

rsm.

O.A.273/2022 (S.B.)

(Mohanlal Nagorao Sathawane Vs. State of Maharashtra & Others.)

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

Dated : 05/12/2022.

Heard Shri R.V.Shiralkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. The matter was decided at the Order stage.

2. The case of the applicant in short is as under.

The applicant was engaged as a Mustering Assistant on 24.10.1979. As per the G.R. Mustering Assistant were absorbed in a regular service. Applicant's service was regularised and he was absorbed as a Junior Clerk in the Collector Office, Wardha. Thereafter, applicant was transferred to Bhandara. Applicant came to be retired on 31.10.2011 on superannuation. The applicant is not getting pension. His initial service as a Mustering Assistant is not counted. Therefore, applicant approached to this Tribunal for direction to the respondents to count his service from the date of his initial engagement as a Mustering Assistant.

3. Respondents have not filed reply as per the submission of learned Advocate Shri R.V.Shiralkar this matter is covered by the judgment of Hon'ble Bombay High Court in case of **State of Maharashtra and 7 Others Vs. U.N. Vendait**, and the issue of date for counting the service is settled by the Hon'ble Supreme Court in the case of **Shaikh Miya s/o Shaikh Chand- Vs- State of Maharashtra** decided on 07.09.2022.

4. The Hon'ble Bombay High Court Bench at Aurangabad in the case of **State of Maharashtra and 7 Others Vs. U.N. Vendait**, has held that the services of Mustering Assistant shall be counted from their initial date of engagement as a Mustering Assistant for the purpose of pensionary benefits only. One of the judgment of Bombay High Court Bench at Aurangabad was challenged before the Hon'ble Supreme Court. Hon'ble Supreme Court in the case of **Sheikh Miya s/o Shaikh Chand** has held the notional date of Mustering Assistant for the purpose of pensionary benefits shall be 31.03.1997. In view of law settled by Hon'ble Supreme Court the applicant is entitled to count his service from 31.03.1997. Hence, the following order.

ORDER

4. The O.A. is allowed.
5. The respondents are directed to count the service of applicant from 31.03.1997 for the purpose of pensionary benefits only and pay the consequential benefits to the applicant within a period of three months from the date of the receipt of this order.
6. No order as to costs.

Vice Chairman

rsm.

O.A.1177/2022 (S.B.)

(Kavijeet S/o Suresh Patil Vs. State of Maharashtra and Others.)

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

Dated : 05/12/2022.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. The matter was decided at the Admission stage.

2. The learned Advocate Shri Palshikar has pointed out the judgment of Hon'ble Supreme Court in he case of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary & Anr.**, the Government Resolution dated 09.07.2019 and the judgment of Hon'ble Bombay High Court, Bench at Nagpur in W.P. No.7506/2018.

3. The learned counsel for the applicant has submitted that matter is squarely covered by the cited judgment and G.R. The applicant is suspended on 20.05.2022. Therefore, the O.A. will be disposed of without issuing notice.

4. Heard P.O. Shri A.M.Ghogre. He seeks time to file reply. The order is dated 20.05.2022 and effect of suspension given from 04.05.2022. In view of the cited judgment there is no necessity to issue any notice to the respondents.

5. The applicant is suspended on 20.05.2022 w.e.f. 04.05.2022. As per the submission of learned Advocate the charge sheet is served on 05.09.2022. The G.R. dated 09.07.2019 is read as under-

शासन निर्णय :-

२. या अनुषंगाने शासकीय कर्मचा-यांच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

iv) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिका-यांच्या स्तरावर घेण्यात यावा.

v) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा.सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.

vi) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधित प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

6. Hon'ble Bombay High Court, Bench at Nagpur in W.P.7506/2018 has held that Government has issued the G.R. dated 09.07.2019 as per the G.R. the charge sheet at list is to be issued within three months, if not issued then the suspension is to be revoked. The learned counsel for the applicant has pointed out the judgment of this Tribunal in O.A.853 of 2021.

7. The charge sheet is not issued to the applicant within 90 days as per the Government Resolution dated 19.07.2019 the suspension is to be revoked. Hence, in view of the judgment of Hon'ble Supreme Court in the case of Ajay Kumar Choudhary and Government Resolution of 19.07.2019 impugned suspension order is liable to be revoked. Hence, the following order.

ORDER

6. The O.A. is allowed.

7. The impugned suspension order dated 20.05.2022 is hereby revoked.

8. The respondents are directed to reinstate the applicant within a period of one month from the date of the receipt of this order.

9. No order as to costs.

10. Steno Copy is granted.

Vice Chairman

rsm.

O.A.No.1039/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :05/12/2022.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. **Closed for orders.**

Member (J)

Date:-05/12/2022.
aps.

O.A.No.897/2018 (D.B.)

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

Dated : 05/12/2022.

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

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.347/2021 (D.B.)

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

Dated : 05/12/2022.

Heard Shri A.A.Potnis holding for Shri A.M.Sudame, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. None for the R-3.

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

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

O.A.No.646/2021 (D.B.)

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

Dated : 05/12/2022.

None for the applicant. Shri A.P.Potnis, Id.
P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to
file reply.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.242/2022 (D.B.)

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

Dated : 05/12/2022.

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

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.280/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri P.B.Patil, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 5. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 12.12.2022 for final hearing.**

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.311/2022 (D.B.)

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

Dated : 05/12/2022.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

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

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.453/2022 (D.B.)

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

Dated : 05/12/2022.

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

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.766/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri B.Kulkarni, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

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

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

Dated : 05/12/2022.

Heard Shri V.B.Gawali, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.967/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri G.K.Bhusari, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. Respondents 1 & 2 are directed to consider the case of applicant of promotion on its own merits.

3. With this direction, **O.A. is disposed of with no order as to costs.**

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

O.A.No.1002/2022 (D.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. P.O., **S.O. 02.01.2023 to file reply.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.1026/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri B.Kulkarni, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

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

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.Nos.1064&1097/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri N.D.Thombre, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents. Await service of R-2 & 3 in O.A. No. 1064/2022.

2. If any appointment will be made that will be subject to outcome of the O.A..

3. At the request of Id. C.P.O., **S.O. 21.12.2022 to file reply.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.Nos.1078,1079&1085/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri R.S.Khobragade, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents. Await service of R-2 to 4.

2. At the request of Id. Counsel for the applicant, Issue fresh notice to Respondent nos. 2 to 4, returnable on four weeks. Learned P.O. waives notice for R-1. 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. four weeks.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.1098/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri S.A.Marathe, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents. Shri N.D.Thombre, ld. Counsel for the R-5 is going to file vakalatnama.

2. At the request of ld. P.O., **S.O. 23.12.2022 to file reply.**

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

O.A.No.1150/2022 (D.B.)

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

Dated : 05/12/2022.

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

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

3. **Put up this matter along with O.A. No. 1151/2022.**

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

O.A.No.1151/2022 (D.B.)

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

Dated : 05/12/2022.

C.A.Nos.484 & 485/2022:-

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

2. C.A.No. 485/2022 for Jt. O.A. is allowed and disposed of.

3. Issue notice to Respondents, returnable on two weeks. Learned C.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.**

10. *Put up this matter along with O.A. No. 1150/2021.*

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.1153/2022 (D.B.)

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

Dated : 05/12/2022.

C.A.No.486/2022:-

Heard Shri Prashant Thakur holding for Shri N.B.Bargat, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. C.A.No. 486/2022 for Jt. O.A. is allowed and disposed of.

3. Issue notice to Respondents, returnable on four weeks. Learned C.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. four weeks.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.1162/2022 (D.B.)

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

Dated : 05/12/2022.

Heard Shri S.A.Marathe, ld. Counsel for the applicant and Shri S.A.Deo, ld. P.O. for the respondents. Await service of R-1.

2. If any appointment will be made that will be subject to outcome of the O.A..

3. At the request of ld. C.P.O., **S.O. 21.12.2022** to file reply.

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

C.A.542/17inRev.St.2916/17inO.A.920/10(D.B.)

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

Dated : 05/12/2022.

None for the applicant. Shri H.K.Pande, Id.
P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to
file reply.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.444/2021 (D.B.)

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

Dated : 05/12/2022.

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant no. 1. None for the R-2 to 24. Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Closed for orders.

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

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

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

Dated : 05/12/2022.

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

2. At the request of ld. Counsel for the applicant, **S.O. 03.01.2023 for final hearing.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.762/2018 (D.B.)

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

Dated : 05/12/2022.

Heard Shri B.Kulkarni, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

2. Ld. Counsel for the applicant submits that adverse C.Rs. has not been communicated. He is relied on para no. 5 of the Rejoinder, which is reproduced below:-

“It is further submitted that the ground C in the O.A. on page no. 10 of the O.A.. It is further submitted that the A.C.R. adverse not communicated cannot be considered to deny the claim. It is also settled position of law made by the Apex Court in Dev Dutt vs. Union of India reported in (2008) 8 SCC 725. Again it is reiterated by Apex Court in (2016) (1) SLR 391 SC Daljit Singh Grewal Vs. State of Punjab. Therefore, the entire submission and reply of respondent no. 2 is misconceived and against the settle position of law and hence it is denied in toto. Therefore, the order passed by the Collector on 21.12.2017.”

3. He is further relied on Hon'ble Apex Court Judgment in the case of **Devdatta Vs. Union of India reported in (2008) 8 SCC 725.**

4. Ld. P.O. is directed to take instructions regarding his C.Rs, **S.O. 04.01.2023.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.1007/2018withC.A.No.36/2021 (D.B.)

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

Dated : 05/12/2022.

Heard Shri S.C.Deshmukh, the ld. counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for respondent nos. 1 to 3. None for the respondent nos. 5, 6, 8 to 12, 14 to 17. Shri G.K.Bhusari, the ld. counsel for the respondent nos. 19 to 21, 23, 24, 25, 28, 29, 31, 32, 35, 36, 41, 51, 52, 54, 55, 57, 58, 66 to 69, 71 to 73, 75 to 84, 86 to 88, 90, 91, 94, 96 to 100, 104, 108 to 110, 113, 115 to 118, 123, 125, 128, 129, 132, 133, 135 to 137, 139, 140, 143 to 145, 147 to 152, 154, 155. None for private respondents.

2. At the request of ld. P.O., **S.O. 12.12.2022 for final hearing as a last chance.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.Nos.97&98/2019 (D.B.)

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

Dated : 05/12/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant in O.A. No. 97/2019. None for applicant in O.A. No. 98/2019. Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.12.2022 for final hearing.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.327/2019 (D.B.)

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

Dated : 05/12/2022.

Heard Shri A.P.Sadavarte, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondent nos. 1 to 3 and Shri S.N.Gaikwad, ld. Counsel for the R-6. None for the respondent nos. 4 & 5.

2. The applicant has placed on record copy of judgment dated 02.02.2017 passed by the full bench of this Tribunal in O.A. No. 354/2015. In this O.A. certain principles have been laid down which are required to be followed while preparing the seniority list, in para no. 45 of the judgement.

3. It is submitted by the applicant that the impugned seniority list in the instant O.A. is not prepared in accordance with the above referred guidelines given in O.A. No. 354/2015. This has been seriously disputed by respondent nos. 1 to 3 and 6.

4. Since the full bench of this Tribunal has taken a view while laying down certain guidelines for preparation of seniority list, said guidelines, in the factual background which exists in this case, will have to be followed. Therefore, only it remains to be ascertained by respondent 3 whether the impugned seniority list is prepared in accordance with the above referred guidelines laid down by the full bench of this Tribunal. Respondent no. 3 shall

ascertain whether the impugned seniority list is prepared as per these guidelines given in para 45 of the aforesaid judgment. In case respondent no. 3 comes to the conclusion that it is properly prepared nothing further needs to be done. If, on the other hand respondent no. 3 finds that the seniority list is not prepared in accordance with the guidelines laid down by the full bench of this Tribunal necessary corrections thereto shall be effected but before doing so opportunity of hearing shall be given to the persons who are likely to be affected thereby. Respondent no. 3 shall complete this exercise within three months from today. With these directions, **O.A. is disposed of with no order as to costs.**

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

O.A.No.803/2021 (D.B.)

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

Dated : 05/12/2022.

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the respondents. Shri T.Zaheer holding for
Shri H.D.Marathe, Id. Counsel for the R-2 to 4.

2. At the request of Id. Counsel for respondent
nos. 2 to 4, **S.O. 14.12.2022 for final hearing.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.915/2021 (D.B.)

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

Dated : 05/12/2022.

Heard Smt. S.Tripathi, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri P.P.Khaparde, ld. Counsel for the R-6 & 7. None for the R-5

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

Member(J)

Date:-05/12/2022.

aps.

Vice Chairman

O.A.No.929/2021 (D.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. P.O., **S.O. 20.12.2022** for final hearing.

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.Nos.143&144/2022 (D.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. Counsel for the applicant, **S.O. 12.12.2022 for final hearing.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman

O.A.No.735/2022 (D.B.)

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

Dated : 05/12/2022.

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

2. At the request of ld. Counsel for the applicant, **S.O. 19.12.2022 for final hearing.**

Member(J)
Date:-05/12/2022.
aps.

Vice Chairman