# O.A. 701/2022 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri S. Ateeb, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. counsel for applicant, **S.O. three weeks** for filing service affidavit.

dnk.

# O.A. 703/2022 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri S. Ateeb, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. counsel for applicant, **S.O. three weeks** for filing service affidavit.

dnk.

#### O.A.St.522/2022 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

#### <u>C.A. 86/2022 -</u>

Heard Shri A. Upasani, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for State.

2. The ld. P.O. files reply of R-2 on C.A. It is taken on record.

3. In para-4 of the O.A., specific reason is given stating that because of the poor condition of the applicant as well as due to pandemic Covid-19, the applicant could not approach before this Tribunal within time limit. The Hon'ble Supreme Court has extended the period of limitation on the ground of pandemic Covid-19.

4. Looking to the ground, the C.A. is allowed and delay is condoned.

#### O.A.St.522/2022 -

Heard Shri A. Upasani, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for State.

2. Issue notice to the respondents returnable <u>after four weeks</u>. 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 <u>three days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

## S.O. after four weeks.

# O.A. 247/2018 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

Heard Shri P.P. Khaparde, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for other respondents.

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

dnk.

# O.A. 553/2019 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

None for applicant. Heard Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for other respondents.

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

dnk.

# O.A. 719/2020 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri S.N. Gaikwad, ld. counsel for applicant and Shri A.M. Ghogre, ld. P.O. for R-1&2. None for other respondents.

At the request of Id. P.O., **S.O. two** weeks for filing reply.

dnk.

# O.A. 135/2020 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

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

The Id. P.O. files reply of R-3 to 5. It is taken on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. in due course.

Vice Chairman

dnk.

# O.A. 417/2020 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Smt. K.N. Saboo, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

2. The learned counsel for applicant has submitted that the grievances of applicant are now redressed.

3. In view thereof, the O.A. is disposed off. No order as to costs.

dnk.

#### O.A. 760/2020 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

Heard Shri J.S. Wankhede, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondent no.1. Await service of R-2 to 7.

2. The learned counsel for applicant submits that the respondent nos.3 and 5 are served and he will file service affidavit.

3. At the request of Id. counsel for applicant, issue fresh notices to the respondent nos.2,4,6 and 7 returnable <u>after four weeks</u>. 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 <u>three days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

## S.O. after four weeks.

dnk.

# O.A. 80/2021 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri S.K. Verma, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

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

dnk.

# O.A. 527/2021 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri B.B. Panwanwane, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

dnk.

# O.A. 816/2021 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3. Await service of R-4&5.

At the request of Id. counsel for applicant, **S.O. two weeks** for filing service affidavit.

dnk.

# O.A. 941/2021 (S.B.)

# <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

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

Hamdast not collected.

S.O. four weeks.

Vice Chairman

dnk.

# O.A. 1141/2021 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

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

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

dnk.

# O.A. 481/2022 (S.B.)

# <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri V.A. Kothale, ld. counsel for applicant and Shri H.K. Pande, ld. P.O. for respondents.

At the request of Id. P.O., **S.O. 26/9/2022** for filing reply.

dnk.

# O.A. 497/2022 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

Heard Shri S.P. Palshkar, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

2. The ld. P.O. files reply of R-4. It is taken on record and copy is given to the applicant.

3. At the request of Id. P.O., **S.O. three** weeks for filing reply of other respondents.

dnk.

# O.A. 572/2022 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri Motlog, Id. counsel holding for Shri V.B. Bhise, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 3/10/2022** for filing reply.

dnk.

# (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

#### C.A. 303/2022 in O.A. 730/2022 -

Heard Shri A.R. Ingole, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for State.

Hamdast not collected for R-2 to 4.

The ld. counsel for applicant submits that he will collect hamdast during the course of day.

S.O. 4/10/2022.

Vice Chairman

dnk.

# O.A. 749/2022 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

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

At the request of Id. P.O., **S.O. two** weeks for filing reply.

dnk.

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

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for State. Await service of R-2.

2. As per submission of learned counsel for applicant, the respondents are not following the order of this Tribunal dated 6/9/2022.

3. Looking to the submission, the respondents are directed to file reply positively on 27/9/2022. On that date, the matter will be heard positively and no further adjournment will be granted.

#### S.O. 27/9/2022.

Status-quo to continue till then.

dnk.

# (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated : 16/09/2022.

# O.As. 708,831,832,833,834 & 835 of 2015 -

None for the applicants. Heard Shri A.M. Khadatkar, Id. P.O. for respondents.

The applicants to remove office objections.

S.O. 4/10/2022.

dnk.

# O.A. 724/2014 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri S.D. Malke, ld. counsel for applicants and Shri M.I. Khan, ld. P.O. for respondents.

- 2. The O.A. is of the year 2014.
- 3. The ld. P.O. seeks time to file reply.

**S.O. three weeks** for filing reply as a last chance.

dnk.

## O.A. 175/2021 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

Heard Shri V. Dahat, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for State.

Issue notice to the newly added respondent no.3 returnable <u>after four weeks</u>.
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.

# S.O. after four weeks.

dnk.

#### O.A. 878/2022 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

Heard Shri A.P. Sadavarte, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for State.

2. Issue notice to the respondents returnable <u>after four weeks</u>. 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.

# S.O. after four weeks.

dnk.

#### O.A. 897/2022 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

## Dated : 16/09/2022.

Heard Shri G.R. Sadar, Id. counsel for applicants and Shri H.K. Pande, Id. P.O. for State.

2. The learned counsel for applicant pointed out the order passed by respondent no.2 dated 3/3/2022 and order dated 24/8/2022. He has pointed out the applicant's representation dated 25/8/2019. As per his representation, the appeal is pending before the State Minister. Due to the change of Government, the appeal is not decided.

3. Hence, impugned order dated 3/3/2022 and 24/8/2022 in respect of recovery of excess payment of increment is stayed till next date.

4. Issue notice to the respondents returnable <u>14/10/2022</u>. Learned P.O. waives notice for State. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

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

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

 In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date.
Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. In the meantime, the Id. P.O. is directed to get instructions about progress of the appeal filed by the applicant.

S.O. 14/10/2022.

#### O.A. 858/2022 (S.B.)

(Shrawan W. Dahat Vs. State of Mah. & Ors.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

#### Dated : 16/09/2022.

Heard Shri B.M. Lonare, ld. counsel for applicant and Shri H.K. Pande, ld. P.O. for State.

2. The learned counsel for applicant pointed out order passed by the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.4169/2022. As per the order of the Hon'ble High Court, the applicant approached to this Tribunal.

3. The learned counsel for applicant has pointed out the representations made by the applicant (page nos.43 & 55)

4. Issue notice to the respondents returnable <u>after four weeks</u>. Learned P.O. waives notice for State. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

 In case notice is not collected within <u>three days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

# 10. In the meantime, the respondents shall decide the representations dated 17/12/2019 and 18/08/2021

## S.O. after four weeks.

Steno copy is granted.

Vice Chairman

dnk.

# O.A. 753/2010 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri I.S. Charlewar, ld. counsel for applicant and Shri H.K. Pande, ld. P.O. for the respondents.

As per the submission of Id. P.O. Shri H.K. Pande, this matter is handed over to Shri A.P. Potnis, Id. P.O. and he is not available today.

#### S.O. 28/9/2022 for final hearing.

dnk.

# O.As. 126 & 189 of 2015 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

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

2. The learned P.O. to take instructions as to whether the applicants are eligible for absorption on the post of Civil Engineering Assistant or not.

3. The matter will be hearing on the next date and no adjournment will be granted.

S.O. 27/9/2022.

dnk.

# O.A. 414/2015 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

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

The learned counsel for applicant submits that he wants to take instructions from his client and for that purpose he seeks further time.

S.O. 28/9/2022.

dnk.

# O.A. 228/2016 (S.B.)

## <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for R-1&2. None for R-3.

2. The ld. counsel for applicant submitted that order passed by this Tribunal in O.A.Nos. 153,216 & 225 of 2010 is challenged by the respondents before the Hon'ble High Court and the matter is pending before the Hon'ble High Court.

S.O. after four weeks.

dnk.

# O.A. 625/2016 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

#### Dated : 16/09/2022.

Heard Shri Bharat Kulkarni, ld. counsel for applicant and Shri A.M. Khadatkar, ld. P.O. for respondents.

2. As per the submission of Id. P.O. he has to take instructions from respondent no.3 i.e. the Principal, Government Polytechnic College, Karad.

S.O. 10/10/2022.

dnk.

O.As. 402,403,404 & 509 of 2020 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

Heard Shri P.J. Mehta, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for applicants wants time to take instructions from his clients.

S.O. 3/10/2022.

dnk.

# O.A. 443/2021 (S.B.)

#### <u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

# Dated : 16/09/2022.

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

With the consent of Id. counsel for both the parties, **S.O. 4/10/2022.** 

Vice Chairman

dnk. \*\*

#### 0.A.No.348/2020 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel for the applicant states that he will carry out the amendment. In case some details are required to be furnished by the learned P.O. so as to carry out this amendment effectively the same shall be furnished to the learned counsel for the applicant. The amendment shall be carried out within one week.

#### S.O. one week.

**Member(J)** Date:-16/09/2022 rsm.

# 0.A.No.166/2021 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., **S.O. two weeks** for filing reply.

**Member(J)** Date:-16/09/2022 rsm.

#### 0.A.No.1157/2021 (D.B.)

<u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., <u>S.O. four weeks</u> for filing reply.

Member(J) Date:-16/09/2022 rsm.

# 0.A.No.1059/2021 with 0.A.No.1060/2021 (D.B.)

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

Heard Shri V.B.Gawali, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Shri G.G.Bade for Intervenor.

Reply of respondent no.2 filed by learned
P.O. is taken on record. Now pleadings are complete.
O.A. is admitted.

3. It is pointed out that by order dated 09.02.2022 interim relief is to subsist till outcome of this O.A. Consequently, the order of extension of interim relief is not necessary.

#### <u>S.0.26.09.2022.</u>

**Member(J) Date:-16/09/2022** rsm.

# C.P.No.62/2022 i O.A.No.947/2018 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

 Perused pursis for unconditional withdrawal on the ground that the grievance is redressed.
C.P.No.62/2022 is accordingly disposed of.

**Member(J)** Date:-16/09/2022 rsm. Vice Chairman

in

# 0.A.No.242/2022 (D.B.)

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., **S.O. three weeks** for filing reply.

**Member(J)** Date:-16/09/2022 rsm.

# O.A.No.263/2022 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

Heard Shri R.M.Fating, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Reply of respondents is filed. Pleading is complete. O.A. is **admitted** and kept for final hearing.

#### <u>S.0.11.10.2022.</u>

**Member(J)** Date:-16/09/2022 rsm.

# 0.A.No.440/2022 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., **S.O. two weeks** 

<u>for filing reply.</u>

**Member(J)** Date:-16/09/2022 rsm.

# O.A.No.564/2022 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

None for the applicant. Heard Shri V.A.Kulkarni, ld. P.O. for the respondents. Await service to respondents 2 to 5.

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

Member(J) Date:-16/09/2022 rsm.

# 0.A.No.626/2022 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel for the applicant states that the respondents are served and he will file service affidavit within a week.

#### S.O. one week.

**Member(J)** Date:-16/09/2022 rsm.

# 0.A.No.628/2022 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel for the applicant states that the respondents are served and he will file service affidavit within a week.

#### S.O. one week.

**Member(J)** Date:-16/09/2022 rsm.

0.A.No.629/2022 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel for the applicant states that the respondents are served and he will file service affidavit within a week.

#### S.O. one week.

Member(J) Date:-16/09/2022 rsm.

O.A.No.647/2022 (D.B.)

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., **S.O. three weeks** 

# for filing reply.

Member(J) Date:-16/09/2022 rsm.

# 0.A.No.669/2022 (D.B.)

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., **S.O. three weeks** for filing reply.

**Member(J)** Date:-16/09/2022 rsm.

0.A.No.686/2022 (D.B.)

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel for the applicant invites attention to pursis at page 95.

3. The learned P.O. seeks time of four weeks to file reply. Time is granted till the next date. The learned P.O. shall make a statement in respect of contents of pursis at page 95 as well.

S.O. four weeks.

**Member(J)** Date:-16/09/2022 rsm. Vice Chairman

0.A.No.693/2022 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel states that today he will collect Hamdast.

#### S.O. three weeks.

Member(J) Date:-16/09/2022

O.A.No.694/2022 (D.B.)

# <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned counsel for the applicant has already filed service affidavit in office.

#### <u>S.O. 03.10.2022.</u>

rsm.

Date:-16/09/2022 rsm.

0.A.No.696/2022 (D.B.)

# <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

Heard Shri P.J.Mehta, ld. Counsel for the applicant and Shri V.A.Kulkanri, ld. P.O. for the respondents.

2. The learned counsel for the applicant states that today he will collect Hamdast.

#### S.O. three weeks.

Date:-16/09/2022

O.A.No.706/2022 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned P.O. seeks time of three weeks. Time is granted. Interim order to continue till returnable date.

S.O. three weeks.

**Member(J)** Date:-16/09/2022 rsm. Vice Chairman

0.A.No.731/2022 (D.B.)

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., <u>S.O. three weeks</u>

# for filing reply.

Date:-16/09/2022

0.A.No.807/2022 (D.B.)

# <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. The learned P.O. seeks time of three weeks for filing reply.

3. The learned counsel for the applicant is seeking interim relief that Clause no.2 of the G.R. dated 18.08.2010 shall not be operative against him. It is pointed out that identical interim relief is granted by the Hon'ble High Court in W.P.No.11884/2021 by order dated 26.10.2021. Till returnable date the G.R. dated 18.08.2010 shall not be operative against the applicant. However, the applicant cannot do private practice during the working hours.

#### S.O. three weeks.

Member(J) Date:-16/09/2022 rsm. Vice Chairman

0.A.No.815/2022 (D.B.)

<u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. On oral request of ld. P.O., <u>S.O. four weeks</u> for filing reply.

Member(J) Date:-16/09/2022 rsm. Vice Chairman

0.A.No.26/2019 (D.B.)

<u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

#### C.A.No.369/2022

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

2. It is submitted by Advocate Shri S.P.Palshikar, that prayer 1 in the O.A. no longer survives and prayer 2 is also substantially complied with.

3. To the C.A. for directions order dated 11.07.2022 is attached subject of which is as follows-

# ऊर्जा विभागाच्या अधिपत्याखाली विद्युत निरीक्षणालय शाखेतील अधीक्षक अभियंता, गट-अ (राजपत्रित) पदाची दि. ०१/०१/२०२२ रोजीची अंतिम न्येष्ठतासूची.

4. The second Annexure to the C.A. shows that in the seniority fixed as above the applicant stands at Sr.No.1.

5. Order dated 23.04.2020 shows that by virtue of the same the applicant is holding additional charge of the post of Chief Electrical Inspector w.e.f.24.02.2020.

6. So far as this C.A. for directions is concerned learned counsel for the applicant submits that he is confining the relief to prayer Clause II contained therein which is as follows-

> ii) further be pleased to direct the respondent to allow the applicant to continue with additional charge of Chief Electrical Inspector till Regular

order of promotion as Chief Electrical Inspector be issued.

He further submits that by granting this prayer the O.A. can be disposed of.

7. Having regard to the documents attached to this C.A. for directions the O.A. can be disposed of.C.A. can be allowed in terms of prayer II and the O.A. disposed of.

O.A. is disposed of & C.A. is allowed .

**Member(J)** Date:-16/09/2022 rsm.

### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. Today learned P.O. has placed on record communication dated 24.08.2022. It is taken on record. Time is sought on behalf of the applicant to argue the matter finally.

#### S.O. four weeks for final hearing.

Member(J) Date:-16/09/2022 rsm.

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

Issue notice to Respondents, returnable on
23.09.2022. 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. <u>S.O. 23.09.2022</u>.

**Member(J)** Date:-16/09/2022 rsm.

Vice Chairman

0.A.No.907/2022 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

2. It is pointed out that enquiry was initiated against the applicant on 10.06.2010 and it is still pending. It is also pointed out that during the enquiry only 8 witnesses were cited. Reliance is also placed on the judgment dated 23.11.2015 passed in Consumer Case no.59/2010 by the National Consumer Disputes Redressal Commission to contend that the amount involved is in safe custody.

3. By interim order the applicant is praying to stay all further proceedings of Departmental Enquiry based on the charge sheet dated 10.06.2010.

4. It is submitted by learned P.O. that since the main grievance of the applicant is prolonged pendency of the enquiry, grant of interim relief as sought by him will only add to the delay.

5. On considering rival submissions and record we have come to the conclusion that notice is required to be issued before considering the question of grant of interim relief.

6. It is submitted by the learned counsel for the applicant that now shorter dates may be given by the Inquiry Officer only because the applicant has approached this Tribunal and in case this happens before the returnable date the applicant be given liberty to approach the Tribunal for interim order. Liberty as sought is granted.

 Issue notice to Respondents, returnable on <u>30.09.2022</u>. Learned P.O. waives notice for state. Hamdast allowed.

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

9. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

10. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within <u>three</u> <u>days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. <u>S.O. 30.09.2022</u>.

**Member(J)** Date:-16/09/2022

0.A.No.909/2022 (D.B.)

## <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

 Issue notice to Respondents, 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 <u>three</u> <u>days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. <u>S.O. four weeks</u>.

Member(J) Date:-16/09/2022

0.A.No.921/2022 (D.B.)

# <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

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

rsm.

2. The learned counsel for the applicant seeks permission to withdraw this O.A. and presenting before the Principal seat. Liberty as sought is granted.

Member(J) Date:-16/09/2022 rsm.

#### 0.A.No.923/2022 (D.B.)

#### <u>Coram</u> : Shri Shree Bhagwan, Vice Chairman& Shri M.A.Lovekar, Member (J) <u>Dated</u> : 16/09/2022.

Heard Shri D.M.Kakani, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

Issue notice to Respondents, returnable on 20.09.2022. 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 <u>three</u> <u>days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. <u>S.O. 20.09.2022</u>.

Member(J) Date:-16/09/2022 rsm. Vice Chairman

O.A.No.922/2022 (D.B.) (Dr.Quazi Shadma Syed Hafizodding Vs. State of Mah. & Ors.)

<u>Coram</u> :Shri Shree Bhagwan, Vice Chairman& Shri Justice M.G.Giratkar,Vice Chairman <u>Dated</u> : 16/09/2022. Heard Shri A.B.Mirza, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

2. The applicant was working as a Tutor from 30.07.2019 to 29.07.2020 in the Datta Meghe College, Nagpur. She was working as an Assistant Professor from 30.07.2020 to 25.01.2021. Thereafter she was working as an Assistant Professor in the NKP Salve Science Medical College, Wanadongri, Nagpur. The applicant applied for the post of Assistant Professor in the Government Medical College as per the advertisement dated 13.08.2021 (A-A, Pg. No. 26). As per the condition of the advertisement for the post of Assistant Professor (Pharmacology) the candidate should have possess Post Graduate Degree in the concerned subject and should have worked as a Senior Resident.

3. As per the submission of the ld. Counsel for the applicant, applicant has already worked as a Tutor. Ld. Counsel for the applicant has further pointed out documents at page no. 41 and submitted that the applicant is qualified for the post of Assistant Professor because she has completed three years as a Junior Resident in the department of Pharmacology from 10.05.2016 to 09.05.2019. The respondent no. 3 M.P.S.C. wrongly rejected her application and her name is shown in the list of not eligible for the post of Assistant Professor (Pharmacology).

4. The ld. Counsel for the applicant submitted that the interview is to be held on 20.09.2022. He has pointed out the order passed by this Tribunal dated 25.09.2022 in O.A. Nos. 711/2022 with connected matters. This Tribunal has held that post of Assistant Professor in the department of Pharmacology is a Non-Clinical post and, therefore, the experience as Senior Resident etc. is not applicable. This Tribunal recorded its findings that the rejection of the application on the ground that the candidate has not completed service as a Senior Resident in the Government Medical College is not legal and proper. Therefore, interim relief was granted to other candidates in the said O.A.

5. Heard Shri Kulkarni, ld. P.O.. He has submitted that the M.P.S.C. has rightly decided the applicant's case as she is not eligible for the post of Assistant Professor.

6. From the perusal of experience certificate issued by the M.G.I.M.S., Sewagram dated 30.07.2019 shows that the applicant has worked as a Junior Resident in the department of Pharmacology w.e.f. 10.05.2016 to 09.05.2019. As per the condition in the advertisement, the candidate who applied for the post of Assistant Professor should have possessed P.G. Degree and who have experience of three years as a Junior Resident from the recognised college in the concerned subject and one year as a Senior Resident in the concerned subject from the recognised college. The applicant has already completed her services as a Junior Resident in the M.G.I.M.S., Sewagram from

10.05.2016 to 09.5.2019. She has also completed the services as a Tutor from 30.07.2019 to 29.07.2020 and as an Assistant Professor from 30.07.2020 to 25.01.2021 in the Datta Meghe Medical College, Nagpur. The applicant has not annexed the experience certificate issued by Datta Meghe Medical College, Nagpur. Later on it was submitted to the M.P.S.C. but it was not considered. The applicant completed her P.G. Degree in Pharmacology and she has worked as a Junior Assistant for about three years in M.G.I.M.S., Sewagram. She has also worked as a Tutor and also as an Assistant Professor in Datta Meghe Medical College, Nagpur. Therefore, it appears that she is qualified for the post of Assistant Professor (Pharmacology) but M.P.S.C. has wrongly rejected her candidature for the said post and her name is published in the not eligible candidates list, stating that she has no experience of the post of Senior Resident.

7. As per the information submitted by the Medical Council of India dated 11.12.2017, there is no post for Senior Resident in the Pre-Clinical and Para-Clinical subject in most of the State Medical Colleges. Therefore, the provision of Senior Residency is not applicable for the Pre-Clinical and Pro-Clinical subject. The post of Assistant Professor (Pharmacology) is a Non-Clinical post and, therefore, condition in respect of Senior Resident is not applicable. This Tribunal has granted interim relief to the similarly situated candidates. Hence, the following order:-

#### **O R D E R**

The Interim Relief is granted to the applicant with direction to the M.P.S.C. to allow the applicant for the Interview for the post of Assistant Professor to be held on 20.09.2022 subject to the decision of the present O.A.. This order is applicable only to the extent of applicant.

8. Issue notice to Respondents, returnable on <u>29.09.2022</u>. Learned P.O. waives notice for R-1. Hamdast allowed.

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

10. 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.

11. 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.

12. 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.

13. 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.

# 14. <u>S.O. 29.09.2022</u>.

15. Steno copy is granted.

# 16. Ld. P.O. is requested to inform to the M.P.S.C. about this order.

(Justice M.G.Giratkar) Vice Chairman Date:-16/09/2022. aps.

(Shree Bhagwan) Vice Chairman