

**O.A.st.No.1872/2019 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

**C.A.No.357/2019**

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

2. At the request of ld. Counsel for the applicant, **S.O. 21.08.2023.**

**Vice Chairman**

rsm.

**O.A.No.1022/2019 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

**C.A.No.74/2020**

Shri B.Chandrikapure, holding for Shri  
L.Y.Nandeshwar, ld. counsel for the applicant and  
Shri A.P.Potnis, ld. P.O. for the Respondents.

2. **S.O. 22.08.2023.**

**Vice Chairman**

rsm.

**O.A.No.811/2021 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri N.R.Saboo, 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. one week for  
filing reply.**

**Vice Chairman**

rsm.

**O.A.No.970/2021 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Adv.Gosawi, holding for Shri G.N.Khanzode,  
ld. counsel for the applicant and Shri V.A.Kulkarni, ld.  
P.O. for the Respondents.

2. As per the submission of learned counsel for  
the applicant, respondents 2 and 3 are served.

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

**Vice Chairman**

rsm.

O.A.No.96/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri G.G.Bade, ld. counsel for the applicant  
and Shri A.P.Potnis, ld. P.O. for the Respondents 1 to  
4. None for the respondents 5 and 6.

2. Learned P.O. has filed reply of respondents 3  
and 4. It is taken on record.

3. **S.O. three weeks for filing reply of  
respondents 5 and 6.**

**Vice Chairman**

rsm.

O.A.No.408/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri B.Chandrikapure, 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.No.1056/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri S.S.Joshi, 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.No.111/2023 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**  
**Dated : 04/08/2023.**

Shri A.P.Kalmegh, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On last date specific order was passed by directing the respondents to file reply without fail and time was granted as last chance. Today, reply is not filed. In the meantime respondents are liberty to file reply.

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

4. Ld. P.O. waives notice for the respondents.

5. **S.O. 24.08.2023.**

**Vice Chairman**

rsm.



O.A.No.554/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri R.M.Fating, holding for Shri A.M.Tirukh,  
ld. counsel for the applicant and Shri V.A.Kulkarni, ld.  
P.O. for the Respondents.

2. Learned counsel for the applicant submits  
that respondent no.3 is served.

3. As per the order of this Tribunal dated  
12.06.2023 representation of the applicant is not  
decided.

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

**Vice Chairman**

rsm.

**O.A.No.673/2023 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Miss Gosawi, holding for Shri R.S.Sirpurkar,  
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.No.737/2023 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri G.K.Bhusari, 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. two weeks for  
filing reply.**

**Vice Chairman**

rsm.

O.A.No.738/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri H.S.Chitaley, 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. two weeks for filing reply.**

**Vice Chairman**

rsm.

O.A.No.747/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri N.R.Saboo, ld. counsel for the applicant  
and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. Learned counsel for the applicant submits  
that respondents 2 and 3 are served.

3. Learned P.O. seeks time to file reply.

4. **S.O. three weeks.**

**Vice Chairman**

rsm.

O.A.No.818/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**  
**Dated : 04/08/2023.**

Shri S.M.Khan, ld. counsel for the applicant,  
Shri A.M.Ghogre, ld. P.O. for the Respondents and  
Shri N.R.Saboo, ld. Counsel for the respondent no.4 .

2. As per the submission of learned counsel for the applicant, respondents 2 and 3 are served.

3. Advocate Shri N.R.Saboo has filed pursis on behalf of respondent no.4 stating that the respondent no.4 has joined as Assistant Director Town Planning, Amravati. It is marked Exhibit-X for the purpose of identification.

4. Learned P.O. seeks time to file reply.

5. **S.O. 17.08.2023.**

**Vice Chairman**

rsm.

O.A.No.331/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

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

2. On 19.04.2023, 07.08.2023 and 05.07.2023 none were present for the applicant and today also none were present for the applicant. It appears that the applicant has no interest to prosecute the matter. **Hence, this O.A. is dismissed for want of prosecution.**

**Vice Chairman**

rsm.

**O.A.No.244/2020 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri S.R.Dambhare, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. Respondents 1 to 5 have already filed reply on record. The O.A. is **admitted** and kept for final hearing.

3. **S.O. 29.08.2023.**

**Vice Chairman**

rsm.



**O.A.No.627/2017 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri S.N.Gaikwad, 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. 25.08.2023.**

**Vice Chairman**

rsm.

**O.A.No.877/2017 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri M.R.Johrapurkar, 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. 22.08.2023.**

**Vice Chairman**

rsm.

**O.A.No.880/2017 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri M.R.Johrapurkar, 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. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.107/2018                      with  
C.A.No.283/2022                      (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri M.R.Johrapurkar, 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. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.108/2018 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri M.R.Johrapurkar, 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. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.392/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri M.R.Johrapurkar, 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. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.395/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri M.R.Johrapurkar, 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. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.935/2018 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri J.S.Wankhede, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. **S.O. 10.08.2023.**

**Vice Chairman**

rsm.



O.A.No.100/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri K.J.Khanorkar, ld. counsel for the applicant, Shri A.P.Potnis, ld. P.O. for the Respondents 1, 2 & 5 and Shri H.D.Marathe, ld. Counsel for the respondents 3 & 4.

2. **S.O. 17.08.2023.**

**Vice Chairman**

rsm.

O.A.No.912/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

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. after two weeks.**

**Vice Chairman**

rsm.

O.A.No.736/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri S.M.Khan, Id. counsel for the applicant  
and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

**O.A.No.28/2022 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**  
**Dated : 04/08/2023.**

Shri R.V.Shiralkar, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the Respondents 1 to 4 & 6 and Adv.Gosawi, holding for Shri G.N.Khazode, ld. Counsel for the respondent no.5.

2. At the request of ld. P.O., **S.O. 18.08.2023.**

**Vice Chairman**

rsm.

**O.A.No.1001/2022 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri R.M.Fating, ld. counsel for the applicant,  
Shri A.M.Khadatkar, ld. P.O. for the Respondent no.1  
and Shri T.M.Zaheer, ld. Counsel for the respondents  
2 and 3.

2. At the request of ld. Counsel for the  
applicant, **S.O. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.1027/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri R.M.Fating, 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. 22.08.2023.**

**Vice Chairman**

rsm.

O.A.No.84/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri B.Vyas, holding for Shri A.M.Tirukh, ld.  
counsel for the applicant and Shri V.A.Kulkarni, ld.  
P.O. for the Respondents.

2. At the request of ld. Counsel for the  
applicant, **S.O. 23.08.2023.**

**Vice Chairman**

rsm.

O.A.No.449/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri G.G.Bade, ld. counsel for the applicant  
and Shri A.M.Khadatkar, ld. P.O. for the Respondents  
1 to 3. None for the respondents 4 and 5.

2. **S.O. 22.08.2023.**

**Vice Chairman**

rsm.



O.A.No.210/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

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

2. **S.O. 22.08.2023.**

**Vice Chairman**

rsm.

**O.A.No.807/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

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

2. Learned C.P.O. has filed communication dated 03.08.2023. It is marked Exhibit-X for the purpose of identification. The respondents have issued no objection certificate for the purpose of interview in A.I.M.S., Nagpur. Hence, nothing survives in this O.A.. **Therefore, the O.A. is disposed of with no order as to costs.**

3. **Steno copy is granted.**

**Vice Chairman**

rsm.

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**  
**Dated : 04/08/2023.**

Shri G.K.Bhusari, ld. counsel for the applicant  
and Shri M.I.Khan, ld. P.O. for the State.

2. Issue fresh notice to the respondent no. 2  
returnable **after three weeks**. Learned P.O. waives  
notice for State. Hamdast allowed.

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

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

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

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

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

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

**Vice Chairman**

rsm.

**O.A.No.969/2022 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri G.K.Bhusari, 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.st.No.2268/2022 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

**C.A.No.259/2023 & C.A.No.405/2022**

None for the applicant. Shri M.I.Khan, ld. P.O.  
for the Respondents.

2. **S.O. three weeks.**

**Vice Chairman**

rsm.

**O.A.No.1010/2022 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Adv.S.V.Kolhe, ld. counsel for the applicant,  
Shri A.M.Ghogre, ld. P.O. for the Respondents 1 & 3  
and Shri G.K.Bhusari, holding for Shri H.D.Marathe,  
ld. Counsel for the respondent no.2.

2. Reply of respondent no.3 is already filed on  
record. The contesting respondent no.2 has not filed  
reply.

3. **S.O.17.08.2023 for final hearing.** In the  
meantime respondent no.2 may file reply.

**Vice Chairman**

rsm.

**O.A.No.197/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri D.P.Bhangade, 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. 24.08.2023 for filing reply. Time is granted as last chance.**

**Vice Chairman**

rsm.



C.P.No.40/2023 in  
O.A.No.752/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

Shri S.V.Kulkarni, 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. 11.08.2023** for filing reply.

**Vice Chairman**

rsm.



**O.A.No.566/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 04/08/2023.**

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

2. **S.O. 24.08.2023.**

**Vice Chairman**

rsm.

O.A.No.414/2021                      with  
C.A.No.382/2022                      (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**  
**Dated : 04/08/2023.**

Shri P.S.Wathore, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant, the respondent has continued the departmental enquiry. As per his submission the applicant is not getting subsistence allowance.

3. Learned P.O. is requested to get instructions as to why the subsistence allowance is not paid to the applicant.

4. Learned counsel for the applicant submits that the interim relief be granted to stop the departmental enquiry against the applicant which was initiated by the respondents. Regular Division Bench is not available and therefore O.A. cannot be heard. Relief prayed in the C.A. cannot be granted without deciding O.A.. Interim relief cannot be granted.

5. **S.O. after four weeks or as and when regular D.B. is available.**

**Vice Chairman**

rsm.

**O.A.No.834/2019 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri S.B.Tiwari, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. None for the R-3 & 4. C.F. applicant has not carried out amendment.

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

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.1111/2022 (S.B.)**

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

**Dated : 04/08/2023.**

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

2. On oral request of ld. P.O., **S.O. three weeks to file reply as a last chance.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**M.C.A.No.26/2023inO.A.No.892/2022 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. The applicant had filed O.A. No. 400/2018. By Judgment dated 03.08.2020 said O.A. was dismissed but with a direction to the respondents/department to complete the enquiry initiated against the applicant within six months from the date of the judgment. The judgment further specified that if the enquiry was not completed within six months from the date of the order, the original applicant would stand exonerated. According to the respondents the enquiry could not be completed within the time stipulated by judgment dated 03.08.2020 because of prevalence of Covid-19 pandemic.

3. Thereafter the applicant filed O.A. No. 892/2022. It was allowed by judgment and order dated 11.04.2023. Relevant part of said judgment reads as under:-

*"6. It is the contention of the applicant that since he stood exonerated of all charges levelled against him in the departmental enquiry on expiry of period of six months from the date of the judgment and order dated 03.08.2020, his retiral and other benefits could not have been withheld on the pretext of pendency of departmental enquiry. There is merit in this submission. It is not the case of the respondents that they had either challenged judgment dated 03.08.2020 or sought extension from this Tribunal to complete the enquiry. Under the circumstances all that remained to be done was carrying the judgment dated 03.08.2020 into effect. By virtue of judgment dated 03.08.2020 the applicant stood exonerated on 02.02.2021. What was done during the enquiry after 02.02.2021 was inconsequential. For these reasons the O.A. deserves to be allowed. Hence, the order:-*

**ORDER**

1. The O.A. is allowed in the following terms-
2. The respondents are directed to release within two months from today retiral and other benefits payable to the applicant which are withheld on the ground of pendency of departmental enquiry.
3. The respondents are further directed to consider claim of the applicant for grant of benefits of Assured Progression Scheme – on its own merits.
4. Issue of interest is kept open.
5. No order as to costs."

4. In the M.C.A. it is stated in para no. 7:-

*"This Hon'ble Tribunal may kindly take into consideration the above facts and circumstances the respondent authority faced undue hardship on the extraneous circumstance which was beyond the control and power of the respondent authority to complete the Departmental enquiry against the applicant within stipulated time. It is submitted that, O.A.No.892/2022 decided by this Hon'ble Tribunal dated 11<sup>th</sup> April 2023 needs to be challenged before the appellate forum. The respondent authority being the Government Agency needs to follow the provisions/ Rules for conduct of legal*

*affairs of the Government Rule, 1984 for challenging the judgment and order of this Hon'ble Tribunal before the appellant forum, it required sanction from the State of Maharashtra Revenue and Forest Department and law and judiciary. In this process it will take certain times, hence the Respondent Authority needs five months times in challenging the judgment and order of this Hon'ble Tribunal before the Hon'ble High Court in Writ Jurisdiction. This Hon'ble Tribunal may kindly grant five months time to complete the procedure in accordance with law in the interest of justice and equity."*

In the M.C.A. following prayers are made:-

*"(a) This Hon'ble Tribunal be pleased to grant five months time to respondents to take appropriate administrative steps in challenging the judgment and order passed by this Hon'ble Tribunal before the appellate forum in accordance with the Law and Rules in the interest of justice.*

*(b) any other order deemed fit in the facts and circumstances of the matter may kindly be passed in the interests of justice."*

5. It is rightly submitted by the original applicant that the judgment and order dated 11.04.2023 passed in O.A. No. 892/2022 was founded on the judgment dated 03.08.2020 passed by this Tribunal in O.A. No. 400/2018 and since the judgment in O.A. No. 400/2018 dated 03.08.2020 has attained finality for want of challenge prayer made in the instant M.C.A. cannot be allowed. Facts stated above clearly show that there is merit in this submission. In the result, **M.C.A. is rejected.**

6. **Steno copy is granted.**

**Date:- 04/08/2023.**  
aps.

**Member (J)**



**O.A.Nos.242,243,244,245&246/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri A.K.Neware, ld. counsel for the applicant, Shri S.A.Sainis, ld. P.O. for the Respondents and Shri H.D.Marathe, ld. Counsel for the R-2 in O.A. No. 245/2023.

2. On oral request of ld. Counsel for the respondent no. 2, **S.O. three weeks to file reply as a last chance.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.367/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. Await service of R-2 to 4.

2. Ld. Counsel for the applicant states that respondents are served and within one week he will file service affidavit.

3. On oral request of ld. P.O., **S.O. three weeks to file reply.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.438/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri G.G.Bade, 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. three weeks to file reply.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.444/2023 (S.B.)**

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

**Dated : 04/08/2023.**

**C.A.No.242/2023:-**

Heard Shri P.S.Kshirsagar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. Await service of R-2 to 7.

2. **C.A.No.242/2023 for Jt. O.A. is allowed.**

3. On oral request of ld. Counsel for the applicant, **S.O. one week to file service affidavit.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.509/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents. Await service of R-2 & 3.

2. On oral request of ld. counsel for the applicant, **S.O. one week to file service affidavit.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.577/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri P.N.Warjekar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. Ld. P.O. has placed on record communication dated 30.06.2023 (marked Exh. X) whereby transfer order of the applicant is modified and now he is transferred to Rural Hospital, Hingna, Nagpur. Ld. counsel for the applicant states that he will take instructions from the applicant and make submission.

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

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.651/2023 (S.B.)**

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

**Dated : 04/08/2023.**

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

2. Today Id. P.O. has placed on record communication dated 31.07.2023 (marked Exh. X) seeking time of two weeks to take further steps. It is the grievance of the applicant that he has been kept in a hanging position. Considering this submission time is granted till 11.08.2023.

3. **Steno copy is granted.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.664/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

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

**Member (J)**

**Date:- 04/08/2023.**

aps.



**O.A.Nos.707&708/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)  
Dated : 04/08/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. Await service of R-2 & 3.

2. Ld. counsel for the applicant states that the respondents are served and within one week he will file service affidavit.

3. On oral request of ld. P.O., **S.O. three weeks to file reply.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.718/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. Await service of R-2 to 5.

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

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.719/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. Await service of R-2.

2. Ld. P.O. has placed on record communication dated 06.07.2023 (marked Exh. X). He seeks time of two weeks to file reply, **S.O. two weeks.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.780/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri K.V.Kothale holding for Shri D.P.Dapurkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. Await service of R-2 to 4.

2. Ld. counsel for the applicant submits that the respondents are served and today he will file service affidavit.

3. It is further submitted that this Tribunal by order dated 17.07.2023 had directed respondents 3 & 4 to decide representation of the applicant within two weeks from the date of receipt thereof. Contention of the applicant is that he had made this representation on 17.07.2023 itself but the same has not been decided as yet.

4. **S.O. 11.08.2023.**

5. On the returnable date ld. P.O. shall make a statement as to whether the representation of the applicant is decided.

6. **Steno copy is granted.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.878/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

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

2. Issue notice to Respondents, returnable on 11.08.2023. Learned C.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. 11.08.2023.

9. Issue of interim relief is kept open. Ld. C.P.O. states that by 11.08.2023 he will take necessary instructions.

**Date:- 04/08/2023.**  
aps.

**Member (J)**

**O.A.No.879/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri B.Kulkarni, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

2. Issue notice to Respondents, returnable on four weeks. Learned C.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:- 04/08/2023.**  
aps.



**O.A.No.881/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri R.M.Fating, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

2. Issue notice to Respondents, returnable on four weeks. Learned C.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:- 04/08/2023.**  
aps.

**O.A.No.941/2019 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri M.R.Kavimandan, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. **Closed for orders.**

**Date:- 04/08/2023.**  
aps.

**Member (J)**

**O.A.No.569/2018 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

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

2. Ld. P.O. seeks time till **21.08.2023** to **conduct the matter.**

3. **S.O. 21.08.2023.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.880/2019 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri A.P.Sadavarte holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.Nos.440,441,442&443/2020 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the Respondents and Shri G.G.Bade, ld. Counsel for the R-5.

2. Ld. Counsel for the applicant states that he did not receives instructions as to whether the O.A. survives. By 24.08.2023 he will take instructions.

3. **S.O. 24.08.2023.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.583/2020 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Ms. V.Thakare holding for Shri S.R.Deshpande, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

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

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.584/2020 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)  
Dated : 04/08/2023.**

None for the applicant. Shri A.M.Ghogre, ld.  
P.O. for the Respondents. None for the R-4.

2. On oral request of ld. P.O., **S.O. 01<sup>st</sup> Week of  
September, 2023 for final hearing.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.



**O.A.No.398/2021 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 21.08.2023 for final hearing.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.319/2022 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri S.P.Kshirsagar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Ld. counsel for the applicant states that he desires to file Rejoinder. **S.O. 07.08.2023 for filing Rejoinder and for final hearing.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.633/2022 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri R.S.Khobragade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.740/2022 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri A.A.Mankar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.961/2022 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

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

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.129/2023 (S.B.)**

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

**Dated : 04/08/2023.**

None for the applicant. Shri M.I.Khan, Id. P.O.  
for the Respondents.

2. On oral request of Id. P.O., **S.O. four weeks  
for final hearing.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.188/2023 (S.B.)**

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

**Dated : 04/08/2023.**

Heard Shri K.N.Jain, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. The applicant is relying *inter alia* on judgment dated 10.01.2022 passed by J.M.F.C., Sironcha directing the non applicant in the proceeding to correct the D.O.B. of the applicant as 01.07.1968. Pursuant to this direction respondent no. 4 has written a letter at A-6 to respondent no. 1. Last para of this letter states:-

“करीता पोहवा/१६४५ राजलिंगु मल्लया डोंगरे नेमणूक प्रोपागंडा शाखा, गडचिरोली यांची सेवा पाच वर्षांपेक्षा अधिक झालेली असल्याने जन्म तारखेत दुरुस्ती करण्याचे अधिकार वरील नियमानुसार शासनास असल्याने सादर पोहवा यांची जन्म तारखेची शाळा सोडल्याचे प्रमाणपत्रावरून सेवापटात घेण्यात आलेली दिनांक ०४/०५/१९६६ ही सेवापटातील नोंद ही त्यांनी सादर केलेल्या कागदपत्राचे आधारे सुधारित दिनांक ०१/०७/१९६८ याप्रमाणे घेणेबाबत आपलेस्तरावरून आदेश निर्गर्मीत व्हावे, ही विनंती.”

It is submitted that respondent no. 1 so far has not taken necessary steps as per this letter. Respondent no. 1 is directed to take decision in accordance with Law on letter at A-6 within one month from the date of receipt of this order.

**3. S.O. 11.09.2023.**

**4. Steno copy is granted.**

**Member (J)**

**Date:- 04/08/2023.**

aps.

**O.A.No.224/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

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

2. Ld. Counsel for the applicant seeks time to place on record judgment of this Tribunal. At his request, **S.O. 04.09.2023.**

**Date:- 04/08/2023.**  
aps.

**Member (J)**



**O.A.No.553/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri H.D.Marathe, ld. counsel for the applicant, Shri S.A.Deo, ld. C.P.O. for the Respondents and Shri S.N.Gaikwad, ld. Counsel for the R-3.

2. **Closed for orders.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.

**O.A.No.620/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 04/08/2023.**

Heard Shri S.R.Dambhare, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. **Closed for orders.**

**Member (J)**

**Date:- 04/08/2023.**  
aps.