

O.A.373/2023 (S.B.)

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

Dated : 07/06/2023.

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

2. The applicant has filed pursis. He does not want to prosecute the O.A. Hence, the O.A. is disposed of as withdrawn. No order as to costs.

Vice Chairman

rsm.

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

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

Dated : 07/06/2023.

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

2. At the request of learned P.O., **S.O.**
20.06.2023 for filing reply.

Vice Chairman

rsm.

O.A.331/2022 (S.B.)

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

Dated : 07/06/2023.

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

2. Hamdast for respondents 2 to 4 not
collected.

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

Vice Chairman

rsm.

O.A.1127/2022 (S.B.)

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

Dated : 07/06/2023.

C.A.No.97/2023

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

2. Respondents have not filed reply.
3. C.A.No.97/2023 is filed for direction to the respondents to allow the applicant to join his duty.
4. Learned P.O. seeks time to file reply. Time is granted as last chance.
5. **S.O.26.06.2023.**

Vice Chairman

rsm.

O.A.1254/2022 (S.B.)

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

Dated : 07/06/2023.

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

2. On the last date specific order was passed and direction was given to P.O. to get instructions from the respondents as to why they have not complied Rule 66(2) of the M.C.S. (Pension) Rules. Today, learned P.O. Shri M.I.Khan submits that he has not received any instructions from the respondents. He has informed to the respondents vide letter dated 04.05.2023. It is taken on record and marked Exhibit-X for identification. One more chance is given to the respondents to file reply. Learned P.O. is directed to get instructions as per order dated 04.05.2023.

3. **S.O.13.06.2023.**

Vice Chairman

rsm.

O.A.120/2023 (S.B.)

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

Dated : 07/06/2023.

Heard Shri B.M.Lonare, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Learned P.O. has filed communication dated 06.06.2023. As per this communication, the order dated 11.04.2023 is complied. Representation of the applicant dated 22.11.2022 is decided. Applicant is informed that he is not eligible to get deemed date of promotion. Communication is marked Exhibit-X for identification.

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

4. **S.O. two weeks.**

Vice Chairman

rsm.

O.A.134/2023 (S.B.)

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

Dated : 07/06/2023.

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

2. Learned P.O. has filed reply of respondent no.2. It is taken on record. As per his submission it is sufficient for other respondents. The O.A. is **admitted** and kept for final hearing. Ld. P.O. waives notice for respondents.

3. **S.O.03.07.2023.**

Vice Chairman

rsm.

O.A.319/2023 (S.B.)

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

Dated : 07/06/2023.

Heard Shri A. Motlog, ld. counsel for the applicant, Shri A.P.Potnis, ld. P.O. for the respondent and Adv.L.Malewar, ld. counsel for the respondents 2 and 3.

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

Vice Chairman

rsm.

O.A.418/2023 (S.B.)

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

Dated : 07/06/2023.

Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Interim order granted on 02.05.2022 is continued till the filing of reply.
3. Learned P.O. seeks time to file reply.
4. **S.O. three weeks.**

Vice Chairman

rsm.

O.A.419/2023 (S.B.)

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

Dated : 07/06/2023.

Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Interim order granted on 02.05.2022 is continued till the filing of reply.
3. Learned P.O. seeks time to file reply.
4. **S.O. three weeks.**

Vice Chairman

rsm.

O.A.481/2023 (S.B.)

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

Dated : 07/06/2023.

None for the applicant. Heard Shri
A.M.Khadatkar, ld. P.O. for the respondents. Await
service of respondents 2 & 3.

S.O. three weeks.

Vice Chairman

rsm.

O.A.1023/2022 (S.B.)

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

Dated : 07/06/2023.

C.A.No.255/2023

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

2. One of the applicants Dr.Leela Gul Abhichandani is about to retire on 30.06.2023. As per the submission of learned counsel for the applicant because of the pendency of this matter, the respondents may not process the pension case of the applicant. In case of Dr.Dipti Chand, the following order was passed in O.A.1024/2022 -

" (1) The respondents are directed to process the pension case of the applicant no.8, Dr.Dipti A. Chand after her retirement.

(2) The respondents may withhold Rs.15,58,372/- subject to the decision of this O.A."

3. Looking to the submission, C.A. is allowed. Respondents are directed to process the pension case of the applicant no.21, Dr.Leela Gul Abhichandani after her retirement.

4. The respondents may withhold Rs.15,48,839/- subject to the decision of this O.A.

O.A.1023/2022

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

2. One of the applicant Dr.Leela Gul Abhichandani has completed age of superannuation. The O.A. is pending for reply since many dates. P.O. seeks time to file reply. Time is granted as a last chance.

3. **S.O. 26.06.2023.** On that day, if the reply is not filed, matter will be admitted and heard finally.

4. Put up this matter along with connected matters O.A.No.1049/2022, O.A.No.1024/2022, O.A.No.1023/2022 & O.A.No.125/20223.

Vice Chairman

rsm.

Rev.A.No.19/2022 in O.A.53/2019 (S.B.)

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

Dated : 07/06/2023.

Shri G.G.Bade, ld. counsel for the applicant
and Shri A.M.Ghogre, ld. P.O. for the respondents.

At the request of learned P.O., **S.O.**
15.06.2023.

Vice Chairman

rsm.

O.A.530/2023 (S.B.)

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

Dated : 07/06/2023.

Heard Shri M.R.Patil, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. As per the submission of learned counsel for the applicant, the applicant is due for retirement in the month of November, 2024 i.e. one year and five months. Learned counsel for the applicant has pointed out Section 5 of the Transfer Act, 2005. As per the provision of Section 5, the employee who is due for retirement within one year, he is entitled to get extension for one year.

3. As per the submission of learned C.P.O., the applicant cannot get the benefit of Section 5 of the Transfer Act, 2005, because, he is not about to retire within one year. Therefore, interim stay cannot be granted.

4. The Government of Maharashtra has issued G.R. dated 06.08.2002. As per the said G.R., the young employees who are below 50 years of age are to be posted in Naxal area, they are entitled for incentives such as promotional pay etc. The intension of the said G.R. is to post the young employees in the Naxalite affected area for smooth work in the administration. The applicant is aged about 56 years and 7 months. Hence, the transfer /posting of the applicant in Naxalite area is in contravention of G.R. dated 06.08.2002. Transfer order shows that he is transferred from Nagpur to Nagpur, but the learned C.P.O. has fairly submitted that the posting of the applicant is shown at Nagpur, but office is at Wadasa, District Gadchiroli. Learned counsel for the applicant has submitted that the applicant is not relieved. Hence, **stay is granted to the impugned transfer order dated 26.05.2023 in respect of applicant only till the filing of reply.**

5. Issue notice to the respondents, returnable **on 27.06.2023.** Learned C.P.O. waives notice for State. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
11. **S.O. 27.06.2023.**
12. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.792/2016 (S.B.)

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

Dated : 07/06/2023.

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

At the request of learned P.O., **S.O.**
19.06.2023.

Vice Chairman

rsm.

O.A.797/2018 (S.B.)

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

Dated : 07/06/2023.

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 learned P.O., **S.O.**
14.06.2023 (P.H.).

Vice Chairman

rsm.

O.A.279/2019 with O.A.280/2019 (S.B.)

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

Dated : 07/06/2023.

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

2. **S.O. 20.06.2023.**

Vice Chairman

rsm.

O.A.234/2020 (S.B.)

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

Dated : 07/06/2023.

Shri A.B.Mirza, ld. counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the
respondents.

At the request of learned P.O., **S.O.**
12.06.2023.

Vice Chairman

rsm.

O.A.791/2020 (S.B.)

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

Dated : 07/06/2023.

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

At the request of learned counsel for the applicant, **S.O. 16.06.2023.**

Vice Chairman

rsm.

O.A.446/2021 (S.B.)

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

Dated : 07/06/2023.

Shri S.P.Palshikar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

At the request of learned C.P.O., **S.O.**
15.06.2023.

Vice Chairman

rsm.

O.A.334/2022 with C.A.352/2022 (S.B.)

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

Dated : 07/06/2023.

Shri S.U.Nemade, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

Vice Chairman

rsm.

O.A.632/2022 (S.B.)

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

Dated : 07/06/2023.

Shri B.Kulkarni, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 21.06.2023.**

Vice Chairman

rsm.

O.A.852/2022 (S.B.)

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

Dated : 07/06/2023.

Shri B.Kulkarni, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 21.06.2023.**

Vice Chairman

rsm.

O.A.1057/2022 (S.B.)

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

Dated : 07/06/2023.

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

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

Vice Chairman

rsm.

O.A.1187/2022 (S.B.)

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

Dated : 07/06/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 & 2. None for the respondent no.3.

2. The applicant is transferred as per the recommendation of Police Establishment Board.

3. Learned P.O. seeks time to file the copy of minutes of meeting of the Police Establishment Board.

4. **S.O. 15.06.2023.**

Vice Chairman

rsm.

O.A.435/2020 (S.B.)

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

Dated : 07/06/2023.

Shri M.Deo, ld. counsel for the applicant
and Shri A.P.Potnis, ld. P.O. for the respondents.

2. **S.O. 30.06.2023.**

Vice Chairman

rsm.

O.A.472/2021 (S.B.)

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

Dated : 07/06/2023.

Heard Shri K.Deogade, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents 1 to 3 and Shri G.G.Bade, appearing for ld. counsel for the respondent no.4.

2. Learned counsel for the respondent no.4 seeks time to file reply. It appears from the documents filed by respondent no.2 that there were several disputes between the applicant and respondent no.4. The matter was decided by the Civil Judge Senior Division, Gondia and also by the Hon'ble High Court.

3. Learned counsel for the applicant, learned P.O. and learned counsel for the respondent no.4 seeks time to argue the matter.

4. **S.O. 28.06.2023 (P.H.)**.

Vice Chairman

rsm.
**

O.A.527/2023 (D.B.)

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

Dated : 07/06/2023.

Heard Shri Y.R.Kinkhede, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. As per the submission of learned counsel for the applicant, the applicant applied for the post of Laboratory Scientific Officer (30%). The applicant applied in the OBC category. The applicant has obtained 126 marks. He has pointed out merit list (page 58). Candidates namely Jeewan Digambar Domle has secured 118 marks and other one Dhirendra Hiralal Chaudhari has secured 112 marks. They are shown in the merit list. Other candidates who have secured less mark, they are shown in the merit list but name of the applicant is missing.

3. Learned counsel for the applicant has submitted that the applicant has secured more marks. Therefore, she must have been shown in the merit list.

4. Heard learned C.P.O. Shri Deo, as per his submission, the applicant applied at Pune as well as at Aurangabad. Therefore, there is confusion as per the letter dated 19.05.2023 (P. 68), the respondents have informed the applicant that the examination agency i.e. Ms. Ginger Webs Pvt. Ltd. not submitted the report and after the report from the said agency the applicant will be called for counselling.

5. As per the Judgment of Hon'ble Supreme Court in the case of **Saurav Yadav Vs. State of Uttar Pradesh decided on 18.12.2020**. The procedure is to be followed by Appointing Authority. First of all the open category is to be filled by counting the marks and the candidates who secure more marks shall be appointed. Irrespective of their caste, after filling the open category then the reserve category is to be filled according to the merits. It appears from the merit list that the applicant has secured more marks but other candidates who secured less marks are shown in the merit list. Hence, the following order:-

O R D E R

Interim relief is granted. The respondents are directed to keep one post vacant of the post of Laboratory Scientific Officer (30%) till the next date.

6. Issue notice to Respondents, returnable on 03.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
9. 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.
10. 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.
11. 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.
12. **S.O. 03.07.2023.**
13. **Steno copy is granted.**

Vice Chairman

rsm.

**C.A.No.221/2023 in O.A.866/2022
(D.B.)**

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

Dated : 07/06/2023.

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

2. Learned P.O. has filed affidavit in reply of respondent no.2. It is taken on record. It is sufficient for other respondents. This matter is already admitted.

3. **S.O. 14.06.2023 for final hearing.**

Vice Chairman

rsm.

O.A.422/2023 (D.B.)

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

Dated : 07/06/2023.

Heard Shri N.G.Tikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. As per the submission of learned counsel for the applicant, respondent nos.2 to 6 are served and he will file service affidavit within one week.

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

4. **S.O. 30.06.2023.**

Vice Chairman

rsm.

**C.A.No.245/2023 in O.A.380/2022
(D.B.)**

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

Dated : 07/06/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents and Shri S.P.Palshikar, ld counsel for the respondent no.5 (Intervener).

2. On 11.05.2023, specific order was passed. This O.A. is already fixed for final hearing.
3. **S.O. 14.06.2023** for final hearing.

Vice Chairman

rsm.

O.A.391/2023 (D.B.)

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

Dated : 07/06/2023.

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

2. Interim relief granted by this Tribunal is continued till the filing of reply.

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

4. **S.O. 28.06.2023.**

Vice Chairman

rsm.

O.A.453/2023 (D.B.)

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

Dated : 07/06/2023.

Heard Smt.Smita Kamble, ld. counsel holding for Shri P.J.Mehta, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

Vice Chairman

rsm.

O.A.1037/2022 (D.B.)

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

Dated : 07/06/2023.

Heard Shri A.Chaware, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. At the request of learned C.P.O., **S.O.**
20.06.2023.

Vice Chairman

rsm.