

**O.A. 692/2014 with C.A. 418/2019 (D.B.)**

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Heard Shri S.P. Kshirsagar, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondents.

2. The learned P.O. has filed communication dated 09/08/2019. It is taken on record and marked Exh-X for identification.

3. The learned counsel for the applicant has filed proposal dated January,2018 (date not legible). It is taken on record and marked Exh-X1 for identification.

**S.O. 23/03/2023 (PH).**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 418/2015 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri P.S. Gawai, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 06/04/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. 974/2017 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri N.S. Warulkar, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 10/04/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. 448/2019 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

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

At the request of learned P.O., **S.O.**  
**11/04/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. 01/2020 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri A.P. Sadavarte, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for respondent nos.1 to 3. None for respondent no.4.

At the request of learned P.O., **S.O.**  
**11/04/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. 524/2020 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri S.G. Karmarkar, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned P.O., **S.O.**  
**11/04/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

**O.A. 950/2020 (D.B.)**

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri M.R. Puranik, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The learned P.O. has filed additional affidavit on behalf of respondent no.3 as per the order of this Tribunal 23/02/2023. It is taken on record.

**S.O. 12/04/2023.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. 351/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri J.R. Kidilay, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

At the request of learned P.O., **S.O.**  
**11/04/2023.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.



**O.A. 632/2021 with C.A. 353/2021 (D.B.)**

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

With the consent of learned counsel for both the parties, **S.O. 11/04/2023.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice-Chairman**

dnk.

O.A. 1143/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,  
Vice-Chairman and  
Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 17/03/2023.**

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

**S.O. 12/04/2023.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**O.A.No.222/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

Heard Shri R.M.Fating, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. Ld. Counsel for the applicant submits that he is only seeking direction to the Hon'ble Governor to decide his appeal. Ld. P.O. submits that no such direction can be given to Hon'ble Governor. Ld. P.O. requested time to produce such notification/provision in this regard, **S.O. 11.04.2023.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**O.A.No.1128/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

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

2. At the request of ld. P.O., **S.O. 05.04.2023** to **file reply as a last chance.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.1067/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

2. Ld. P.O. submits that office is going to  
reinstate the applicant in service. He further seeks  
time to get instructions in this regard, **S.O.**  
**28.03.2023.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.258/2020 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.St.No.1938/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

**C.A.No.317/2021:-**

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

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

**(Justice M.G.Giratkar)  
Vice Chairman**

**Date:- 17/03/2023.**

aps.

**(Shree Bhagwan)  
Vice Chairman**



**O.A.No.762/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

3. **Meanwhile ld. Counsel for the applicant is requested to remove office objections.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:- 17/03/2023.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.1192/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.1202/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

Heard Shri V.K.Paliwal, 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. 03.04.2023** to **file reply as a last chance.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.Nos.1078,1079,1085&1110/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

Heard Smt. S.R.Khobragade, 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. three weeks to file reply as a last chance.**

**(Justice M.G.Giratkar)**  
Vice Chairman  
Date:- 17/03/2023.  
aps.

**(Shree Bhagwan)**  
Vice Chairman

**O.A.St.No.257/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

**C.A.No.51/2023:-**

Heard Smt. R.P.Jog, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

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

**(Justice M.G.Giratkar)  
Vice Chairman**

**Date:- 17/03/2023.**

aps.

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.259/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

Heard Smt. K.N.Saboo, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

2. 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 **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.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Date:- 17/03/2023.**

aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.260/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

2. 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 **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.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Date:- 17/03/2023.**

aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.264/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman**

**Dated : 17/03/2023.**

**Dr. Vijay J. Thakre Vs. State of Maharashtra & Another.**

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

2. Ld. Counsel for the applicant is insisting for interim relief on the ground that Interview is scheduled on 20.03.2023. Ld. Counsel for the applicant has pointed out advertisement dated 29.07.2022 for the post of Director, Forensic Science Laboratory (P. 48). Ld. Counsel for the applicant has submitted that as per the criteria laid down in the advertisement, applicant is eligible for the post of Director, Forensic Science Laboratory. He has pointed out qualification of the applicant at P. 60 (Sr. Nos. 5 & 6). Applicant has passed M.Sc. and Ph.D. in Chemistry, he has published 31 publications.

3. Ld. Counsel for the applicant has pointed out recruitment rules at P. 72. He has further pointed out Rule 8 and submitted that applicant is eligible for the post of 'Director' because the applicant is having more than 18 years of experience of Research in the subject of Forensic Science and Chemistry. Ld. Counsel has pointed out that in the scrutiny report, it is wrongly calculated that applicant is not having experience of 18 years (P. 87) and therefore, he is declared ineligible for the interview.

4. Rule 8 is reproduced below:-

*“Appointment to the post of Director, Forensic Science Laboratories, Maharashtra State and Chemical Analyser to Government in the Directorate be made either :-*

*a. By promotion of a suitable person on the basis of selection from amongst the persons holding the post of Joint Director in the Directorate and possessing the qualification prescribed for appointment by nomination in sub clauses (ii) & (iii) of clause (b) of this rule; or*

*b. By nomination from amongst the candidates who;*

*i. Unless already in the service of Government are not more than fifty years of age;*

*ii. Possess Master’s degree at least in second class or Doctorate degree in (A) any branch of Chemistry or Biochemistry; or (B) Physics, Botany or Zoology with a degree in Chemistry; and*

*iii. Possess minimum eighteen years experience of research of a recognised merit in any of the subjects mentioned in sub-clause (ii) or in Forensic Science gained after acquiring the qualifications mentioned in sub-clause (ii) and possess adequate analytical experience after obtaining the essential academic qualification.”*

5. The recruitment rules are the material for deciding the qualification of the eligibility of the candidate for the post. As per recruitment rules 8 (2)(iii) material qualification is that the candidate must have 18 years experience in any of the subject mentioned in Sub Clause 2 or in Forensic Science Laboratory. As per submission made by the Id. Counsel for the applicant, applicant is having 21 years of experience. He is M.Sc., Ph.D. and

he has published 31 publications, therefore, he is eligible for the post advertised by the respondents.

6. From the perusal of scrutiny report, it appears that candidates were to be given opportunity before the interview to produce all the documents and after verification of documents decision be taken as to whether he should be allowed for interview or not? Even the scrutiny report is taken into consideration then also it appears that the respondents have not called the applicant before the interview for verification of the original documents. Considering the scrutiny report, he is declared ineligible candidate. The documents of the respondents itself shows that opportunity will be given to the applicant before the interview for the verification of original documents. Last para of the scrutiny report produce has under:-

“प्रस्तुत पदासाठी विहित शैक्षणिक अर्हता व अनुभव धारण करणा-या उमेदवारांच्या मुलाखतीपुर्वी त्यांनी अर्जात दावा केलेले शोधनिबंध व संशोधनात्मक प्रकल्प यांच्या मुळ प्रती तपासूनच त्यांच्या मुलाखतीबाबत कृपया निर्णय घेण्यात यावा.”

7. As per the documents filed by the applicant, it appears that he is having 21 years experience. He is M.Sc., Ph.D. and he has published 31 publications too, therefore, it appears that he is eligible. Hence, the following order:-

## **ORDER**

1. Respondents are directed to verify the original documents of the applicant before interview and if he is eligible, the respondents may take interview of the applicant. The result of the interview will be subject to the outcome of the O.A..

2. S.O. 05.04.2023.
3. Steno copy is granted.

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.Nos.17, 18, 76 & 77/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

2. At the request of ld. P.O., **S.O. 05.04.2023** for reply.

**(Justice M.G.Giratkar)**  
Vice Chairman  
Date:- 17/03/2023.  
aps.

**(Shree Bhagwan)**  
Vice Chairman

**O.A.No.63/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

**C.A.No.132/2023:-**

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

2. Ld. Counsel for the applicant submits that respondent no. 3 has been served. He further requested to Issue fresh notice to Respondent no. 2, returnable on 05.04.2023. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of

compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. **S.O. 05.04.2023.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Date:- 17/03/2023.**

aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**O.A.No.154/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.157/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.176/2023 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**C.P.No.13/2023inO.A.No.896/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 17/03/2023.**

Heard Shri R.V.Shiralkar holding for Shri D.P.Dapurkar, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 27.03.2023 to file reply.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.553/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

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

2. At the request of ld. Counsel for the applicant, **S.O. 03.04.2023.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.817/2022withO.A.No.1050/2022(D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 17/03/2023.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 03.04.2023.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:- 17/03/2023.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.66/2019 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri N.R.Saboo, 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 for filing reply.**

**Member (J).**

rsm.

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

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

**Dated :17/03/2023.**

**C.A.No.372/2022**

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

2. For the reasons stated in the application delay is condoned. C.A.No.372/2022 is allowed.

**C.A.No.373/2022**

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

2. Perused contents of the application and record.

3. For the reasons stated in the application. C.A.No.373/2022 is allowed. Necessary amendment shall be carried out within two weeks from today.

**O.A.No.244/2020**

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

**Member (J).**

rsm.



**O.A.No.250/2020 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri P.C.Marpakwar, 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 for filing reply.**

**Member (J).**

rsm.

**O.A.No.251/2020 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri P.C.Marpakwar, 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 for filing reply.**

**Member (J).**

rsm.

**O.A.No.474/2020 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri P.P.Khaparde, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. Learned counsel for the applicant submits that grievance of the applicant has been redressed and nothing survives in the matter. In view of this submission O.A. is disposed of.

**Member (J).**

rsm.

**O.A.No.565/2021 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri A.Motlog, holding for Shri V.B.Bhise, 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 for filing reply.**

**Member (J).**

rsm.

**O.A.No.631/2021 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri K.S.Motwani, 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 for filing reply as last chance.**

**Member (J).**

rsm.

**C.A.No.108/2023 in O.A.No.338/2022 (S.B.)**

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

**Dated :17/03/2023.**

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

2. It is pointed out that in para 5 of reply of respondents 1 to 3 it is stated that proposal in respect of change of date of birth of the applicant is already submitted to the office of respondent no.1 on 29.4.2022. It is submitted that if respondent no.1 is directed to take a decision of this proposal within time to be stipulated by this Tribunal, redressal of grievance of the applicant may be expedited. Respondent no.1 is directed to decide proposal dated 29.04.2022 within two months from the date of receipt of this order.

3. Learned P.O. shall communicate this order to the office of respondent no.1.

4. **S.O. two months.**

5. In view of order passed today **C.A.No.108/2023 is disposed of.**

**Member (J).**

rsm.

**O.A.No.53/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri K.J.Rawandhe, 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 for filing reply.**

**Member (J).**

rsm.

**O.A.No.100/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. Await service of R-2 to 4.

2. Learned counsel for the applicant seeks time of two weeks to serve respondents 2 to 4.

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

**Member (J).**

rsm.



**O.A.No.120/2023 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **S.O. four weeks.**

**Member (J).**

rsm.

**O.A.No.168/2023 (S.B.)**

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

**Dated :17/03/2023.**

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

2. Learned counsel submits that respondent no.4 is served and service affidavit is also filed in the office along with acknowledgment.

3. On oral request of learned P.O. time of two weeks is granted for filing reply. In case reply is not filed on next date, it would be open to the applicant to pray for grant of interim relief.

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

5. **Steno copy is granted.**

**Member (J).**

rsm.

**O.A.No.172/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri N.R.Saboo, 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 for filing reply.**

**Member (J).**

rsm.

**O.A.No.173/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri N.R.Saboo, 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 for filing reply.**

**Member (J).**

rsm.

**O.A.No.180/2023 (S.B.)**

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

**Dated :17/03/2023.**

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

2. The applicant stood voluntarily retired on 27.05.2022.

3. By the impugned communication dated 28.09.2022 recovery of an amount of Rs.33,42,989/- from the retiral benefits of the applicant is proposed. The applicant is seeking interim relief as follows-

**ii] Direct the Respondents, particularly the Respondent No.3 to release the Pension and Pensionary benefits of the Applicant by withholding the impugned recovery (not consent for recovery) during the pendency of the instant O.A. and subject to outcome of the O.A. reserving right to claim interest on the said amount.**

4. It is pointed out that in O.A.No.659/2022 identical interim relief has been granted by order dated 01.07.2022.

5. Case is made out to grant interim relief as prayed. The respondents, particularly respondent no.3 shall release the pension and pensionary benefits of the applicant by withholding the impugned amount of recovery during the pendency of the instant O.A. and subject to outcome of the O.A.

It is made clear that by claiming this interim relief the applicant is not consenting to the proposed recovery and she reserves right to claim interest on the said amount.

6. **S.O. four weeks.**

7. **Steno copy is granted.**

**Member (J).**

rsm.

**O.A.No.184/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. four weeks for filing reply.**

**Member (J).**

rsm.

**O.A.No.858/2022 (S.B.)**

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

**Dated :17/03/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.230/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri S.P.Palshikar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State.

2. Issue notice to the respondents, 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.**

**Member (I).**

rsm.

**O.A.No.239/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri D.B.Walthare, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. It is submitted by learned counsel for the applicant that recovery of huge amount is proposed to be made from him on the basis of a complaint made by the M.L.A., without following due procedure.
3. Learned P.O. submits that the matter be kept on 23.03.2023 so as to enable him to take instructions.
4. The applicant would be at liberty on that day to pray for grant of interim relief.
5. Issue notice to the respondents, returnable **on 23.03.2023**. Learned 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. 23.03.2023.**

**Member (I).**

rsm.

**O.A.No.249/2023 (S.B.)**

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

**Dated :17/03/2023.**

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

2. The applicant was extended benefit of G.R. dated 06.08.2002 on account of his posting in naxal affected/ tribal area.
3. Documents on record show that on the basis of one complaint received from a social worker the benefits already extended to the applicant as per the aforesaid G.Rs. are sought to be recovered.
4. It is the contention of the applicant that before passing the impugned order of recovery no opportunity of hearing was given to him and in fact the proposed recovery is bad in law.
5. The impugned order of recovery is dated 07.10.2022. It is the apprehension of the applicant that pursuant to the impugned order the authorities are likely to start recovery. It is pointed out that in the impugned order even the amount of recovery is not mentioned.
6. On the basis of aforesaid facts and contentions the applicant prays that effect and implementation of the impugned order be stayed. Case is made out to grant such relief till returnable date. The effect and implementation of the impugned order dated 07.10.2022 (Annexure A-5) shall stand stayed till the returnable date.
7. Issue notice to the respondents, returnable **after four weeks**. 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 **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.

13. **S.O. after four weeks.**

14. **Steno copy is granted.**

**Member (I).**

rsm.

**O.A.No.254/2023 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State.

2. Issue notice to the respondents, returnable **after two weeks.** Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

8. **S.O. after two weeks.**

**Member (I).**

rsm.

**O.A.No.137/2017 (S.B.)**

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

**Dated :17/03/2023.**

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

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

**Member (J).**

rsm.



**O.A.No.494/2017 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **S.O. four weeks.**

**Member (J).**

rsm.

**O.A.No.676/2017 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri N.L.Jaiswal, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondent and Shri H.D.Marathe, ld. counsel for the respondent no.2. None for the respondents 3 to 5.

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

**Member (J).**

rsm.

**O.A.No.682/2017 (S.B.)**

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

**Dated :17/03/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.608/2019 (S.B.)**

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

**Dated :17/03/2023.**

Heard Adv.A.Telange, holding for Shri A.P.Tathod, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. next week.**

**Member (J).**

rsm.

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

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

**Dated :17/03/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.20/2020 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri P.V.Thakre, 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. 27.03.2023.**

**Member (J).**

rsm.

**O.A.No.207/2021 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri R.L.Kadu, 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. next week.**

**Member (J).**

rsm.

**O.A.No.389/2021 (S.B.)**

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

**Dated :17/03/2023.**

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

2. On oral request of ld. P.O., **S.O. 20.03.2023.**

**Member (J).**

rsm.



**O.A.No.446/2021 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **S.O. 24.03.2023.**

**Member (J).**

rsm.

**O.A.No.505/2021 (S.B.)**

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

**Dated :17/03/2023.**

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

2. It is submitted that this O.A. is substantially heard by my learned brother Justice M.G.Giratkar.

3. **S.O. 17.04.2023.**

**Member (J).**

rsm.

**O.A.No.848/2021 (S.B.)**

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

**Dated :17/03/2023.**

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

2. Basic grievance of the applicant is that on promotion his pay was incorrectly fixed.

3. Learned P.O. shall take instructions and make a statement on 20.03.2023. Learned P.O. submits that he will intimate the concerned person and asked him to remained present before the Tribunal.

4. **P.H.**

5. **S.O. 20.03.2023.**

**Member (J).**

rsm.

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

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

**Dated :17/03/2023.**

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

2. **S.O. 23.03.2023.**

**Member (J).**

rsm.

**O.A.No.589/2022 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **S.O. 27.03.2023.**

**Member (J).**

rsm.

**O.A.No.268/2022 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **Closed for Orders.**

**Member (J).**

rsm.

**O.A.No.827/2022 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **S.O. next week.**

**Member (J).**

rsm.

**O.A.No.856/2022 (S.B.)**

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

**Dated :17/03/2023.**

Heard Shri A.Motlog, holding for Shri V.B.Bhise, 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.**  
**28.03.2023.**

**Member (J).**

rsm.



**O.A.No.1082/2022 (S.B.)**

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

**Dated :17/03/2023.**

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

2. **S.O. next week.**

**Member (J).**

rsm.