

O.A. 661/20 (S.B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri S.N. Gaikwad, ld. counsel
for the applicant and Shri A.P. Potnis,
ld. P.O. for the Respondents nos. 1 to 3.
Shri S.D. Zoting, ld. counsel for R/4 & 5.

At the request of ld. P.O. & ld.
counsel for R/4 & 5, time is granted by
way of last chance.

S.O.08/12/2022.

Vice Chairman

Skt.

O.A. 791/20 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri S.U. Ambagade, ld. counsel
for the applicant and Shri A.M.
Khadatkar, ld. P.O. for the Respondents
nos. 1 to 3.

Ld. P.O. filed reply of R/3 & seeks
time to file reply of other respondents.

At the request of ld. P.O.
S.O.08/12/2022.

Vice

Chairman

Skt.

O.A. 279/21 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

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

At the request of ld. P.O.,
S.O.08/12/2022 for filing reply.

Vice

Chairman

Skt.

O.A.Nos.434,435,436/20

(S. B)

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

Dated : 17/11/2022.

Shri S.N. Autkar, ld. counsel for the applicant and Shri A.M. Khadatkhar, ld. P.O. for the Respondents nos. 1 to 3. Shri S.DE. Zoting, ld. counsel for R/4 & 5.

At the request of ld. P.O. **S.O. after two weeks for filing reply.** At the request of ld. P.O. & Shri T.M. Zaheer ld. counsel for R/3 & 4, **S.O.05/12/2022.**

Vice

Chairman

Skt.

O.A. 659/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri N.D. Thombre, Id. counsel
for the applicant and Shri V.A. Kulkarni,
Id. P.O. for the Respondents.

At the request of Id. P.O. four
weeks time granted to file reply as a last
chance.

S.O.after 4 weeks.

Vice Chairman

Skt.

O.A. 725/22 (S. B)

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

Dated : 17/11/2022.

Shri B. Kulkarni, Id. counsel for
the applicant and Shri V.A.Kulkarni, Id.
P.O. for the Respondents.

At the request of Id. P.O.
S.O.29/11/2022.

Vice Chairman

Skt.

O.A. 668/22 (S. B)

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

Dated: 17/11/2022.

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

At the request of ld. P.O. **S.O. 3**
weeks for filing reply.

Vice Chairman

Skt.

O.A. 861/22 (S.B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

None for the applicant and Shri
V.A. Kulkarni, Id. P.O. for the
Respondents.

Await service to R/2 to 4.

S.O. After 4 weeks.

Vice

Chairman

Skt.

O.A. 869/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.**
Dated : 17/11/2022.

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

At the request of Id. P.O. **S.O. 3**
weeks for filing reply.

Vice Chairman

Skt.

O.A. 890/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri N.R. Saboo, ld. counsel for the applicant, Shri V. Kulkarni, ld. P.O. for the Respondent No.1 and Shri Warulkar, ld. counsel for R/2.

Ld. P.O. has filed reply of R/1.

Admit.

Ld. P.O. waives notice for R/1.

S.O.23/11/2022 for final hearing.

I.R. to continue.

Vice Chairman

Skt.

O.A. 899/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri S.C. Deshmukh, ld. counsel
for the applicant and Shri A. Khadatkar,
ld. P.O. for the Respondents.

At the request of ld. P.O. **S.O.**
after 3 weeks for filing reply.

Vice Chairman

Skt.

O.A. 957/22 (S.B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri B. Kulikarni, ld. counsel for
the applicant and Shri A.M. Khadatkar,
ld. P.O. for the Respondents Np/1 & 3.
Shri Vairagade, ld. counsel for R/2 & 4.

At the request of ld. P.O. **S.O.**
After 4 weeks for filing reply.

Vice Chairman

Skt.

O.A. 1001/22 (S.B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

None for the applicant. Shri
A.M. Khadatkar, ld. P.O. for the
Respondent No.1. & Shri T.M. Zaheer,
ld. counsel for R/2 & 3.

At the request of ld. Counsel for
R/2 & 3, **S.O. 4 weeks for filing reply.**

Vice-Chairman

Skt.

O.A. 1008/22 (S.B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri S. Khandekar, ld. counsel
for the applicant and Shri A.M
Khadatkar, ld. P.O. for the Respondents.

At the request of ld. P.O. **S.O. 4**
weeks for filing reply.

Vice Chairman

Skt.

O.A.Nos.173,174,176/2022 (S. B)

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

Dated : 17/11/2022.

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

2. All the applicants were engaged as Mustering Assistant. Now, they are retired. The respective dates of engaging them as a Mustering Assistant and date of retirements are given in the chart which is marked as Exh.'X' for identification

3. In the aforesaid cited chart all the applicants prayed to regularise their services from the initial date of appointments and they should be given all retiral benefits as a regular employee.

4. In O.A. No.173/2022, applicant namely Narayan Laxman Dhongade was

appointed as Mustering Assistant on 28/03/1985. He was absorbed in the regular service on 22.08.2003. The applicant is retired on 30.04.2010. The applicant was absorbed as regular employee on the post of Talathi as per G.R. dtd.21.04.1999.

5. In O.A. No.174/2022, the applicant namely Kashiram Modkuji Bansod was appointed as a Mustering Assistant on 04.03.1998. As per G.R. dt. 21.04.1999, he came to be absorbed in the permanent Govt. service on Class-IV post on 22nd Sept., 2003. The applicant attained the age of superannuation and came to be retired on 30/11/2011.

6. In O.A. No.176/2022, the applicant namely Wasudeo adkuji Tikle- was appointed as a Mustering Assistant on 20.04.1981. He was absorbed in a regular Govt. service as per order dt.07.05.1999. The applicant after completing the age of superannuation was retired on 31/03/2008.

7. The applicant namely Kashiram Rama Gomase in O.A. No.177/2022 was appointed as a Mustering Assistant on 15.02.1986. He was absorbed in

the permanent Govt. service as per G.R. dt.21.04.1999. As per order dt. 30.10.2003, the applicant came to be retired on 31.01.2011 after completing the age of superannuation.

In all the O.As. replies are not filed.

8. Heard Shri G.G. Bade, ld. counsel for the applicants. As per his submission all these O.As. are covered by the judgment of this Tribunal and the judgment of the Hon. Supreme Court in the case of **Sheikh Miya s/o sheikh Chand** in Civil Appeal No. 6531-6533/2022 dt.07.09.2022.

9. All the applicants are now retired from the Govt. service. They could not get the pensionary benefits

because they have not completed required service for pension. Hence they approached this Tribunal by filing these O.As.

10. There is no dispute about engagement of the applicants as Muster Assistants. As per the judgment of the Bombay High Court Bench at Aurangabad, directions were given to the State Govt. to absorb the Muster Assistants in a regular service and their initial date of appointments as a Muster Assistant shall be taken into consideration for the purpose of pensionary benefits.

11. One of the judgments of Bombay High Court, Bench at Aurangabad was challenged before the Supreme Court. The Hon. Supreme Court in the case of **Shaikh Miya Shaikh Chand -Vs/- State of Maharashtra** has held as under :-

“ It is trite to say that the question of payment of pension would arise only if the pensionary service is completed. Thus the question would

be as to what is the period of service which will have to be counted for such pensionable service.

In our view, what the Bench considered appropriate to issue notice was really the aspect that since the absorption occurred over a period of time, and that may have deprived some persons of their service as permanent employees, it should be the notional date of absorption of 31/3/1997 which should be taken into account for determining the pensionable service.

In our view, this is also what The Industrial Courts have done where relief has been granted and it has been accepted by the State.

We are thus of the view that the only direction which can be issued is that persons who have been absorbed over a period of time post 31/03/1997, for pensionable service, the reckoning date would be 31/03/1997 and such of the persons who have rendered a pensionable

service on that basis would be entitled to that benefits.”

12. Now , the issue is settled about the date of appointment to be taken into consideration for the purpose of pensionary benefits. The Hon. Supreme Court has directed the State Govt. to take into consideration the date of 31/03/1997 for the purpose of pensionary benefits about a regular Govt. employees who were absorbed in the service as per G.R. dtd.21/03/1999. All the applicants are claiming that their initial date of appointment as Muster Assistant shall be taken into consideration for the purpose of pensionary benefits. The Hon. Supreme Court has held that 31/03/1997 shall be the date for granting pensionary benefits to the Muster Assistants who were absorbed in the regular service. Hence, the following order :-

ORDER

- a) The O.As. are partly allowed.
- b) The Respondents are directed to regularise the

services of the applicants
from 31/03/1997 for the

purpose of pensionary
benefits only.

c) The O.As. are disposed of .

Vice-Chairman

Skt.

O.A.151 /20 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri S.N. Gaikwad, Id. counsel for
the applicant and Shri A.M. Khadkar, Id.
P.O. for the Respondents.

S.O. 23/11/2022

Vice

Chairman

Skt.

O.A.966/21 (S.B)

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

Vice-Chairman.

Dated: 17/11/2022.

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

S.O. 09/12/2022

Vice-Chairman

Skt.

O.A. 217/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Heard Shri R.S. Giripunje, Id.
counsel for the applicant and Shri V.K.
Kulkarni, Id. P.O. for the Respondents.

P.H.

Keep the matter at Sr.No. 1 on
the hearing parties board on
18/11/2022

Vice

Chairman

Skt.

O.A.183/21 (S. B)

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

Dated : 17/11/2022.

Heard Shri Saboo, Id. counsel
for the applicant and Shri M.I. Khan, Id.
P.O. for the Respondents.

P.H.

S.O.23/11/2022

Vice Chairman

Skt.

O.A. 1051/19 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Heard Shri S.N. Gaikwad, Id.
counsel for the applicant and Shri V.
Kulkarni, Id. P.O. for the Respondents.

S.O. 07/12/2022

Vice Chairman

Skt.

O.A. 683/19 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Heard Shri A.P. Raghute, Id.
counsel for the applicant and Shri V.
Kulkarni, Id. P.O. for the Respondents.

P.H.

S.O.21/11/2022

Vice Chairman

Skt.

O.A. 229/16 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri A.S. Moon, ld. counsel for
the applicant and Shri H.K. Pande, ld.
P.O. for the Respondents.

At the request of ld. P.O.
S.O.02/12/2022 for final hering.

Vice Chairman

Skt.

O.A. 385/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri Khadatkar, Adv. holding for
Smt. Deshpande, ld. counsel for the
applicant and Shri H.K. Pande, ld. P.O.
for the Respondents.

At the request of ld. Adv. for the
applicant, **S.O.24/11/2022 .**

Vice Chairman

Skt.

O.A. 927/17 (S. B)
With
C.A.404/22

Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.

Shri A.S.P.P. Kotwal, Id. counsel
for the applicant and Shri H.K. Pande,
Id. P.O. for the Respondents.

At the request of Id. P.O.
S.O.22/11/2022 .

Chairman
Vice

Skt.

O.A. 1075/19 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Heard Shri B.J. Lonare, ld.
counsel for the applicant and Shri A.M.
Khadatkar, ld. P.O. for the Respondents.

Ld. P.O. submits that reply is
already filed .

Admit.

**S.O.07/12/2022 for final
hering.**

Vice

Chairman

Skt.

O.A. 483/22 (S. B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri G.N. Shinde, ld. counsel for the applicant and Shri M.I. Khan, ld. P.O. for the Respondents No. 1 to 3. None for R/4.

Pleadings are completed.

Admit.

S.O. after four weeks for final hearing.

Vice-Chairman

Skt.

O.A. 1113/22 (S.B)

**Coram: Hon'ble Shri Justice M.G.
Giratkar, Vice Chairman.
Dated : 17/11/2022.**

Shri S.M. Pande, Adv. holding for N.D. Thombre, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the Respondent- State.

2. Issue notice to Respondent nos.2&3 returnable **after 3 weeks.** Learned P.O. waives notice for State. Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

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

S.O. after three weeks.

Vice-Chairman

Skt.

O.A.No.944/2019

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri S.N.Gaikwad, 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 to file reply as a last chance.**

Member(J)

Vice Chairman

Date:-17/11/2022.

aps.

O.A.No.903/2020

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri N.B.Rathod, 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 to file reply.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

**C.A.Nos.105&406/22inO.A.No.287/2022
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 17/11/2022.**

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

2. **C.A. No. 105/2022 for Jt. O.A. is allowed and disposed of.**

3. The ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

5. The ld. P.O. waives notice for the respondents.

6. **S.O. 24.11.2022 for final hearing.**

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

**Member(J)
Date:-17/11/2022.
aps.**

Vice Chairman

O.A.No.322/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. The ld. P.O. has filed reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

5. The ld. P.O. waives notice for the respondents.

6. **S.O. 14.12.2022 for final hearing.**

7. *Ld. counsel for the applicant submits that he will file Rejoinder during the course of the day.*

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.676/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

None for the applicant. Shri S.A.Deo, ld.
C.P.O. for the respondents. Await service of R-2 to
5.

2. **S.O. six weeks to file service affidavit.**

Member(J)

Vice Chairman

Date:-17/11/2022.

aps.

O.A.No.837/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

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

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.866/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri S.Phadnis, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

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

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.966/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri R.Suryawanshi, ld. Counsel for
the applicant and Shri A.P.Potnis, ld. P.O. for the
respondents.

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

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.996/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

None for the applicant. Shri A.P.Potnis, ld.
P.O. for the respondents. Await service of R-2 to
5.

2. **S.O. six weeks to file service affidavit.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

**C.A.38/22inC.P.17/20inO.A.No.197/2017
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. At the request of ld. P.O., **S.O. 24.11.2022**
to file reply.

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

**C.P.No.24/2021 in O.A.No.197/2015
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 17/11/2022.**

Heard Shri A.P.Tathod, 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. one week
to file reply.**

**Member(J)
Date:-17/11/2022.
aps.**

Vice Chairman

C.P.No.38/2022 in O.A.No.102/2020 with

**C.P.No.39/2022 in O.A.No.545/2021 with
C.P.No.40/2022 in O.A.No.858/2020 with
C.P.No.41/2022 in O.A.No.316/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he will file undertaking at next hearing, **S.O. one week.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

C.P.No.49/2022inO.A.No.357/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri V.Anand, 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. eight weeks.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

C.P.No.63/2022inO.A.No.583/2019

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. It is submitted by ld. P.O. that against order of which contempt is alleged in this proceeding the department has filed a Writ Petition. He seeks time of four weeks to make further statement.

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

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

**Rev. No. 22/2018 in O.A.No.145/2012
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 17/11/2022.**

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

2. It is submitted that the applicant stood retired after completing 58 years on 31.07.2017. It is pointed out that in line no. 2 on page no. 10 of the Judgment it is mentioned that the applicant would complete his age of 60 years on 31.07.2018. In fact the applicant would have completed his age of 60 years not on 31.07.2018 but on 31.07.2019. It is further pointed out that in line no. 5 on page no. 10 of the Judgment it is mentioned that on completion of 58 years of age the applicant retired on 31.07.2016. As mentioned earlier, on completion of 58 years the applicant stood retired not on 31.07.2016 but on 31.07.2017. It is also pointed out that in the last line on page no. 10 of the Judgment and in the 4th line of page no. 11 of the Judgment the date is wrongly mentioned as 31.07.2016 instead of 31.07.2017. These clerical errors are required to be corrected. Hence, the dates typed on page nos. 10 & 11 of the Judgment as 31.07.2018 and 31.07.2016 shall be changed to 31.07.2019 and 31.07.2017, respectively. **Review Application is**

accordingly disposed of with no order as to costs.

Member(J)
Date:-17/11/2022.

Vice Chairman

C.A.No.160/2022 in Rev. St. No. 1021/2022 in

**C.P. No. 41/2021 in O.A.No.795/2018
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri P.P.Deshmukh, applicant in person and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The applicant had filed O.A. No. 795/2018. By order dated 20.07.2020 said O.A. was disposed of by directing respondent no. 2 to decide representation of the applicant within sixty days from the date of the order.

3. Now, it is the grievance of the applicant that his representation was not decided by respondent no. 2 within the time limit set by this Tribunal and no opportunity of hearing was given to him. By alleging contempt of aforesaid order dated 27.02.2020 the applicant had filed contempt petition no. 41/2021 in O.A. No. 795/2018. Said contempt petition was disposed of by order dated 27.09.2021. In the order dated 27.09.2021 it is observed that respondent no. 2 had given a personal hearing to the applicant. The applicant who is present in person disputes correctness of said observation. According to the applicant there are other observations in the order dated 27.09.2021 which require

reconsideration. By order dated 27.09.2021 C.P. NO. 41/2021 was disposed of.

4. By filing the instant review application the applicant has prayed for cancellation of order dated 27.09.2021. He further seeks directions to respondent no. 2 to strictly comply with order dated 20.07.2020 and submit report of compliance before the Tribunal.

5. It is not disputed that representation of the applicant is already decided by respondent no. 2. We have already referred to the grievances which the applicant has in respect of said decision given by respondent no. 2 on his representation. If the applicant has any grievances against the manner in which his representation has been decided by respondent no. 2, proper remedy for him is to file original application. His grievances as set out in the instant proceedings cannot be redressed by resorting to remedy of review.

6. The review application as well as civil application are accordingly disposed of with no order as to costs. The applicant would be at liberty to file proper proceeding against the decision on his representation.

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

C.A.Nos.365&366/2021inO.A.St.2166/2021D.B

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

Dated : 17/11/2022.

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

2. Perused content of C.A. No. 365/2021 and record.

3. By this application the applicant prays that delay of a years, 2 months and seven days caused in approaching this Tribunal be condoned.

4. It is submitted that the applicant, on legal advice, had filed U.L.P. complaint in the Industrial Court at Akola, in the said court the proceeding was pending for nearly nine years and ultimately the Industrial Court held that the complaint before it was not maintainable since the complainant was not a workman and the respondents was not an Industry.

5. It is submitted by Id. counsel for the applicant that almost the entire duration of delay was on account of pursuing a wrong remedy i.e. the one before the Industrial Court and in view of Section 14 of Limitation Act said duration will have to be excluded from computing the period of limitation. In reply it is submitted by Id. P.O. that Section 14 of Limitation Act will not be applicable in this case because the Industrial Court had decided the proceeding on merits. We are not inclined to accept this submission of the Id. P.O.. It is apparent that almost the entire duration of the delay was on account of pursuing a wrong remedy and hence in view of Section 14 of the Limitation Act such duration will have to be excluded while computing the period of Limitation. Case is made out to condone the delay. Delay is condoned, **C.A. is allowed.**

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

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.St.No.2261/2021

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

C.A.No.385/2021:-

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

2. On page no. 3 of the application details of delay are given. Total delay is stated to be 214 days. In para no. 5 of the application reasons have been set out for condoning the delay. Though the application is opposed by the respondents, we have come to the conclusion that delay deserves to be condoned so that proceeding can be decided on merit. So delay is condoned and C.A. is allowed.

3. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

9. **S.O. four weeks.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.530/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard 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. three weeks to file reply as a last chance.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.975/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

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:-17/11/2022.
aps.

Vice Chairman

O.A.No.1109/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. **Interim order is granted in terms of prayer clause 'B' till filing of reply.**

3. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

7. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

9. **S.O. four weeks.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.1119/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant and Shri A.M.Khadatkar, 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.**

9. **Issue of interim relief is kept open.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.1126/2022

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. Ld. P.O. is directed to take instructions,
S.O. 22.11.2022 for taking instructions.

Member(J)

Vice Chairman

Date:-17/11/2022.

aps.

C.P.No.42/2022 in O.A.No.549/2020 with

**C.P.No.43/2022 in O.A.No.578/2020 with
C.P.No.44/2022 in O.A.No.551/2020 with
C.P.No.61/2022 in O.A.No.545/2020 with
C.P.No.57/2022 in O.A.No.546/2020(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. In this proceeding content of order dated 17.12.2021 passed in a batch of O.As. are alleged. Ld. P.O. submits that against the said order the respondent department has filed a Writ Petition and it may come up for hearing soon.

3. In view of this statement, **S.O. four weeks.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

**C.P.No.58/2022 in O.A.No.321/2022
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 17/11/2022.**

Heard Shri D.R.I.Patil, Id. Counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondents and Shri D.M.Kakani, Id. counsel for the R-5 & 6.

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

**Member(J)
Date:-17/11/2022.
aps.**

Vice Chairman

O.A.No.321/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri D.R.I.Patil, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri D.M.Kakani, ld. counsel for the R-5 & 6.

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

3. **Interim relief is continued till next date.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

**Rev.Appl.No.17/2019inO.A.No.793/2017
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 17/11/2022.**

Heard Shri N.R.Saboo, Id. Counsel for the applicant & Shri A.M.Ghogre, Id. 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.**

9. **Put up this matter along with O.A. No. 111/2019.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.159/2013 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri N.S.Warulkar, 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. 22.11.2022**
for final hearing.

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.450/2014 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri L.S.Borkar holding for Shri A.Z.Jibhkate, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents. None for the R-4.

2. **Registry is directed to put up the matter before Single Bench.**

Member(J)

Vice Chairman

Date:-17/11/2022.

aps.

O.A.No.930/2017 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri N.S.Warulkar, 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. 23.11.2022**
for final hearing.

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.710/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. The ld. counsel for the applicant submits that only because of O.A. No. 884/2017 filed at the Principal Bench the impugned order came to be passed nine years after the applicant was given promotion. The aforesaid O.A. must have been disposed of by now. Ld. P.O. was placed on record copy of Judgment in O.A. No. 884/2017 on next date.

3. **S.O. 24.11.2022.**

4. **Matter be treated as P.H.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.946/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri Pranav Deshmukh holding for
Shri K.P.Mahalle, 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. 25.11.2022 for final hearing.**

Member(J)

Vice Chairman

Date:-17/11/2022.

aps.

**O.A.No.700/2020withC.A.No.373/2021
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 17/11/2022.**

Heard Shri C.A.Joshi, 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. 29.11.2022**
for final hearing.

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.763/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. Ld. P.O. has placed on record communication dated 14.10.2022. It is taken on record. Copy is served to the other side. It is further marked Exh. 'X' for the purpose of identification.

3. Ld. P.O. states that as per instructions received by him orally the process for complying the order dated 12.07.2022 passed by this Tribunal shall be complied within four weeks.

4. **S.O. after four weeks.**

5. **Steno copy is granted.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.885/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri D.M.Kakani, ld. Counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 & 2 and Shri A.D.Girdekar, ld. counsel for the respondents 3 to 10.

2. At the request of ld. P.O., **S.O. 18.11.2022 for final hearing.**

Member(J)

Vice Chairman

Date:-17/11/2022.

aps.

O.A.Nos.72&73/2021

(D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. **Closed for orders.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.502/2021 (D.B.)

H.Y.Metkar Vs. State of Maharashtra & Another

Coram : Shri Shree Bhagwan, Vice Chairman &

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. As submitted by ld. counsel for the applicant chargesheet was served on the applicant on 22.05.2018 which contains only one charge that applicant has taken ransom of Rs. 3,00,000/-. The applicant denied the same. The respondents have filed letter dated 28.09.2022 from Medical Education and Drugs Department dated 28.09.2022 in 3rd para of which it is written that appointment of Inquiry Officer is to be made. Though chargesheet was served on 28.05.2018, Inquiry Officer has not been appointed.

3. Hon'ble Supreme Court in **Prem Nath Bali Vs. Registrar High Court of Delhi & Another (2015) 16 SCC 415 (decided on 16.12.2015)** has held that :-

"It is duty of employer to ensure that departmental enquiry initiated against delinquent employee is concluded within shortest possible time by taking priority measures, as far as possible within six months

which may further be extended to one year in certain circumstances.”

4. In this case it appears that 12 years have lapsed and inquiry is still not completed.

5. Respondents are directed to complete the inquiry within six months from the date of receipt of this order as per directions of Hon'ble Apex Court as cited supra.

6. The Id. P.O. submits that criminal case was pending against the applicant which was withdrawn later and D.E. thereafter is started.

7. If D.E. is not finished within six months then the applicant will be exonerated from all the charges. It is further directed that the applicant shall co-operate with the inquiry officer whenever he is called.

8. With the above directions, **O.A. is disposed of with no order as to costs.**

Member(J)
Date:-17/11/2022.
aps.

Vice Chairman

O.A.No.728/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

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

2. At the request of ld. P.O., **S.O. 25.11.2022**
for final hearing.

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.916/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri M.R.Joharapurkar, 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. 30.11.2022**
for final hearing.

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.43/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

None for the applicant. Shri
A.M.Khadatkar, ld. P.O. for the respondent nos. 1
& 2 & Shri H.D.Marathe, ld. counsel for the R-3 to
6.

2. **S.O. six weeks.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman

O.A.No.343/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice
Chairman&**

Shri M.A.Lovekar, Member (J)

Dated : 17/11/2022.

Heard Shri A.A.Potnis, 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 final hearing.**

Member(J)

Date:-17/11/2022.

aps.

Vice Chairman