

O.A.No.66/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

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

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

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

5. **S.O. 01st week of August, 2023.**

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

Member (J)

Date:- 28/06/2023.
aps.

O.A.Nos.236&237/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. On oral request of ld. P.O., **S.O. 10.07.2023 to file reply.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.162/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

C.A.No.214/2023:-

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

2. **C.A.No.214/2023 for amendment is allowed.** The ld. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

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

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.634/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Reply of respondent no. 4 is filed on record. It is taken on record. Copy is served to the other side.

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

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.806/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. Await service of R-2.

2. Ld. Counsel for the applicant states that respondent no. 2 is served.

3. The ld. P.O. has filed reply on behalf of the respondent no. 3. 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. 11.07.2023.**

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

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.96/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

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

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

4. The Id. P.O. waives notice for the respondents.

5. **S.O. 12.07.2023.**

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

Member (J)

Date:- 28/06/2023.
aps.

O.A.Nos.199&533/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri R.M.Fating, ld. counsel for the applicant & Shri A.P.Potnis, ld. P.O. for the Respondents. Shri H.D.Marathe, ld. Counsel for the R-2 in O.A. No. 199/2023. None for the R-3 in O.A.No.533/2023. Await service of R-2 to 8 in O.A.No.533/2023.

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

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.201/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Ms. S.D.Chande, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. one week to file reply.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.251/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Order dated 13.03.2023 refers to the fact that the applicant is a Handicapped person and he had made a representation dated 13.02.2023 and respondent no. 1 was directed to decide it before 19.06.2023. On 21.06.2023 ld. P.O. sought time of one week to ascertain whether said representation was decided. These instructions are not received till today.

3. It is submitted that in report dated 13.02.2023 there is reference to two vacant posts at Nagpur and on one of these posts the applicant can be accommodated. It is further submitted that one of these two posts is already filled and presently only one post is vacant i.e. post of Accounts Officer at V.I.D.C. Nagpur since the other vacancy has been already filled up in the meantime.

4. It is the apprehension of the applicant that in case the remaining vacant post is also filled up his representation dated 13.02.2023 shall become infructuous.

5. The applicant prays that in this factual background directions be issued not to fill up the

post of Accounts Officer at V.I.D.C. till the returnable date. Respondents 1 & 2 shall not fill up the post of Accounts Officer at V.I.D.C., Nagpur, if it is not already filled up, till the returnable date.

6. **S.O. 13.07.2023.**

7. **Steno copy is granted.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.457/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

C.A.No.298/2023:-

Heard Shri N.R.Saboo, ld. counsel for the applicant, Shri S.A.Sainis, ld. P.O. for the Respondents and Shri J.S.Mokadam, ld. Counsel for the R-3.

2. In C.A. No. 298/2023 the applicant has prayed as under:-

"It is, therefore, prayed that this Hon'ble Tribunal be pleased to direct respondent no. 1 to reconsider his grievance and consider his representation dated 23.06.2023 for modification of posting on transfer."

3. The representation referred to in the C.A. is dated 23.05.2023 (A-R).

4. **Civil Application No. 298/2023 is allowed.**

5. Respondent no. 1 shall consider representation dated 23.05.2023 on its own merits within 1 week from today. In view of these directions, as submitted by ld. counsel for the applicant, **the O.A. is disposed of with no order as to costs.**

6. **Steno copy is granted.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.481/2023 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.**

Heard Shri N.S.Warulkar, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 12.07.2023 to file reply.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.Nos.499,500,502,513&515/2023 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.**

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

2. As per order dated 01.06.2023 the respondents were directed to consider the options given by the applicant in his application.

3. Grievance of the applicant is that till date nothing has been communicated to the Tribunal in respect of consideration or otherwise of such options. Ld. P.O. shall take instructions and make a statement without fail on 05.07.2023 as to whether the above referred options given by the applicant have been considered.

4. **S.O. 05.07.2023.**

5. **Steno copy is granted.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.501/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Perused pursis. It is submitted by the Id. Counsel for the applicant that nothing survives in the O.A.. Hence, **O.A. is disposed of with no order as to costs.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.525/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri S.A.Marathe, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the State. Await service of R-2 to 4.

2. On oral request of ld. Counsel for the applicant, **S.O. one week.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.542/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Communication dated 27.06.2023 (Marked Exh. 'X') is placed on record by ld. C.P.O.. Ld. Counsel for the applicant states that grievance of the applicant is redressed.

3. Hence, **O.A. is accordingly disposed of with no order as to costs.**

Member (J)

Date:- 28/06/2023.
aps.

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

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. The ld. C.P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 12.07.2023.**

6. *Meanwhile, the ld. counsel for the respondent no. 3 is at liberty to file Reply, if any.*

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.600/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. On oral request of ld. P.O., **S.O. 30.06.2023 to take instructions.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.602/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri V.R.Deshpande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. Await service of R-2 to 5.

2. Ld. Counsel for the applicant submits that all the respondents are served and he will file service today only.

3. On oral request of ld. P.O., **S.O. two weeks to file reply. On returnable date ld. P.O. shall make a statement as to whether respondent no. 3 has decided representation of the applicant.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.643/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

C.A.No.300/2023:-

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

2. **C.A.No.300/2023 for Jt. O.A. is allowed.**
3. Issue notice to Respondents, returnable on one week. 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. one week**.

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.403/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

C.A.No.296/2023:-

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

2. On oral request of ld. C.P.O., **S.O. 05.07.2023 to make a statement in respect of hearing of appeal filed by the applicant.**

Member (J)

Date:- 28/06/2023.
aps.

R.A.06/23inC.A.178/20inO.A.St.800/20(S.B.)

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

Dated : 28/06/2023.

Heard Shri N.S.Warulkar, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 10.07.2023 to file reply.**

Member (J)

Date:- 28/06/2023.
aps.

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

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri J.S.Wankhede, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the State.

2. Issue notice to Respondents, returnable on one week. 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. one week.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.Nos.652,653,654&655/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri R.M.Fating, Id. counsel for the applicant and Shri V.A.Kulkarni, 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.

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.657/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri A.A.Potnis, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

2. On behalf of the applicant, on instructions, a statement is made that he has not been relieved so far. Ld. P.O. shall take instructions from the concerned office and make a statement on this point on 30.06.2023.

3. **S.O. 30.06.2023.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.621/2017 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Ld. P.O. seeks time to go through the chart prepared by the applicant which is included in his written notes of argument, in respect of A.C.Rs. of the applicant.

3. **S.O. 05.07.2023.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.625/2017 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.**

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

2. On oral request of ld. P.O., **S.O. 11.07.2023 for final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.718/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. **Closed for orders.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.742/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri A.P.Sadavarte, 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. 13.07.2023** for final hearing.

Member (J)

Date:- 28/06/2023.
aps.

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

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.**

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

2. Attention is invited to order dated 10.04.2023. The issue involved is pending before Aurangabad Bench of this Tribunal.

3. **S.O. six weeks.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.284/2020 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.**

Heard Shri S.V.Bhutada, 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 final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.529/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. It is submitted that the applicant is confining this O.A. to the following prayer:-

“Be pleased to direct the respondent no. 3 i.e. the Joint Director of Health Services, (Malaria and Fileria, Waterbourne Diseases), Pune to take decision on the proposal dated 08.11.2019 (A-5) considering the clause XV of Government Resolution dated 02.03.2019.”

3. The applicant has placed on record copy of communication dated 11.04.2023. The said communication *inter alia* states:-

“त्याचप्रमाणे सार्वजनिक आरोग्य विभागाची दिनांक २९.०९.२०२१ रोजीची अधिसूचना निर्गमित होण्यापूर्वी नियमानुसार सुधारीत सेवांतर्गत आश्वासित प्रगती योजनेचा दुस-या व तिस-या लाभांचे निकर्ष पुर्ण करित असलेल्या आणि वित्त विभागाच्या दिनांक ०२.०३.२०१९ व दिनांक ०७.१०.२०२२ रोजीच्या शासन निर्णयातील विहित अटी व शर्तीची पूर्तता करित असलेल्या हिवताप विभागातील कर्मचा-यांना सुधारीत सेवांतर्गत आश्वासित प्रगती योजनेचा दुस-या व तिस-या लाभ नियमानुसार मंजूर करण्यास या द्वारे मान्यता देण्यात येत आहे. तसेच, सुधारीत सेवांतर्गत आश्वासित प्रगती योजनेचा लाभ मंजूर करतांना कोणत्याही प्रकारची अनियमितता होणार नाही. याची दक्षता घेण्यात यावी.”

4. The applicant has further placed on record copy of communication dated 13.04.2023. The said communication *inter alia* states:-

“सार्वजनिक आरोग्य विभाग, शासन अधिसूचना दिनांक २९.०९. २०२१ रोजीची अधिसूचना निर्गमित होण्यापूर्वी नियमानुसार सुधारित सेवांतर्गत आशवासित प्रगती योजनेच्या दुस-या व तिस-या लाभाचे निकर्ष पूर्ण करित असलेल्या हिवताप विभागातील कर्मचा-यांना सुधारित सेवांतर्गत आशवासित प्रगती योजनेचा लाभ नियमानुसार मंजूर करण्यास संदर्भ क्रमांक ३ च्या शासन पत्रान्वये मान्यता देण्यात आलेली आहे.

संदर्भ क्रमांक ३ अन्वये प्राप्त पत्रानुसार कार्यवाही करण्यात यावी. सादर शासन पत्राची प्रत सुलभ संदर्भाकरीता सोबत जोडून पाठविण्यात येत आहे. तरी शासन पत्राचे अवलोकन करून नियमानुसार आपल्या कार्यालयाच्या स्तरावर सुधारित सेवांतर्गत आशवासित प्रगती योजनेची प्रलंबित असलेली प्रकरणे विभागीय समितीच्या बैठकित पात्रता तपासूनच त्वरित निकाली काढण्यात यावीत. सदर प्रकरणात कोणत्याही प्रकरची अनियमितता होणार नाही याची दक्षता घेण्यात यावी.”

5. Respondent no. 3 is directed to decide the proposal dated 08.11.2019 (A-5) on its own merits by considering G.R. dated 02.03.2019 and aforequoted contents of communications dated 11.04.2023 and 13.04.2023, within 30 days from the date of this order.

6. With these directions, **O.A. is disposed of with no order as to costs.**

7. **Steno copy is granted.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.531/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. It is submitted that the applicant is confining this O.A. to the following prayer:-

“ii. Be pleased to direct the respondent no. 3 i.e. the Joint Director of Health Services, (Malaria & Fileria, Waterbourne Diseases), Pune to take decision on the proposal of applicant no. 1 to 4 dated 03.03.2020 (A-4) considering the clause XV of Government Resolution dated 02.03.2019.

iii. Be pleased to direct the respondent no. 3 i.e. the Joint Director of Health Services, (Malaria & Fileria, Waterbourne Diseases), Pune to take decision on the proposal of applicant no. 5 & 6 dated 13.03.2020 (A-5) and 07.07.2020 (A-6) considering the clause XV of Government Resolution dated 02.03.2019.”

3. The applicant has placed on record copy of communication dated 11.04.2023. The said communication *inter alia* states:-

“त्याचप्रमाणे सार्वजनिक आरोग्य विभागाची दिनांक २९.०९.२०२१ रोजीची अधिसूचना निर्गमित होण्यापूर्वी नियमानुसार सुधारीत सेवांतर्गत आश्वासित प्रगती योजनेचा दुस-या व तिस-या लाभांचे निकर्ष पुर्ण करित असलेल्या आणि वित्त विभागाच्या दिनांक ०२.०३.२०१९ व दिनांक ०७.१०.२०२२ रोजीच्या शासन निर्णयातील विहित अटी व शर्तीची पूर्तता करित असलेल्या हिवताप विभागातील कर्मचा-यांना सुधारित सेवांतर्गत आश्वासित प्रगती योजनेचा दुस-या व तिस-या लाभ नियमानुसार मंजूर करण्यास या द्वारे मान्यता देण्यात येत आहे. तसेच, सुधारीत सेवांतर्गत

आश्वासित प्रगती योजनेचा लाभ मंजूर करतांना कोणत्याही प्रकारची अनियमितता होणार नाही. याची दक्षता घेण्यात यावी.”

4. The applicant has further placed on record copy of communication dated 13.04.2023. The said communication *inter alia* states:-

“सार्वजनिक आरोग्य विभाग, शासन अधिसूचना दिनांक २९.०९.२०२१ रोजीची अधिसूचना निर्गमित होण्यापूर्वी नियमानुसार सुधारित सेवांतर्गत आश्वासित प्रगती योजनेच्या दुस-या व तिस-या लाभाचे निकर्ष पूर्ण करित असलेल्या हिवताप विभागातील कर्मचा-यांना सुधारित सेवांतर्गत आश्वासित प्रगती योजनेचा लाभ नियमानुसार मंजूर करण्यास संदर्भ क्रमांक ३ च्या शासन पत्रान्वये मान्यता देण्यात आलेली आहे.

संदर्भ क्रमांक ३ अन्वये प्राप्त पत्रानुसार कार्यवाही करण्यात यावी. सादर शासन पत्राची प्रत सुलभ संदर्भाकरीता सोबत जोडून पाठविण्यात येत आहे. तरी शासन पत्राचे अवलोकन करून नियमानुसार आपल्या कार्यालयाच्या स्तरावर सुधारित सेवांतर्गत आश्वासित प्रगती योजनेची प्रलंबित असलेली प्रकरणे विभागीय समितीच्या बैठकित पात्रता तपासूनच त्वरित निकाली काढण्यात यावीत. सदर प्रकरणात कोणत्याही प्रकारची अनियमितता होणार नाही याची दक्षता घेण्यात यावी.”

5. Respondent no. 3 is directed to decide the proposal dated 08.11.2019 (A-5) on its own merits by considering G.R. dated 02.03.2019 and aforequoted contents of communications dated 11.04.2023 and 13.04.2023, within 30 days from the date of this order.

6. With these directions, **O.A. is disposed of with no order as to costs.**

7. **Steno copy is granted.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.857/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. **S.O. four weeks for final hearing.**

Date:- 28/06/2023.
aps.

Member (J)

R.A.No.03/2021inO.A.No.184/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

None for the applicant. Shri V.A.Kulkarni, Id.
P.O. for the Respondents. None for the R-3.

2. **S.O. three weeks for final hearing.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.227/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. **S.O. four weeks for final hearing.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.801/2021withC.A.No.321/2022

withO.A.No.802/2021 (S.B.)

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

Dated : 28/06/2023.

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

2. By consent, **S.O. 04.07.2023 for final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.826/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, 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. one week for final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.1077/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

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

Member (J)

Date:- 28/06/2023.
aps.

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

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the Respondents and Shri A.Thool holding for Shri G.N.Khanzode, ld. Counsel for the R-5.

2. On oral request of ld. Counsel for the R-5,
S.O. two weeks as a last chance.

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.133/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri A.Mardikar, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. **Closed for orders.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.237/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. On oral request of Id. P.O., **S.O. 07.07.2023 for final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.692/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Ld. P.O. has filed reply of Respondents 1 & 2. It is taken on record. Copy is served to the other side.

3. On oral request of ld. P.O., **S.O. 12.07.2023 for final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.774/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Ld. Counsel for the applicant submits that O.A. No. 697/2022 is not on today's board. Put up this matter along with this O.A..

3. On oral request of ld. P.O., **S.O. 03.07.2023 for final hearing.**

Member (J)

Date:- 28/06/2023.
aps.

O.A.No.194/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. **Closed for orders.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.659/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

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

2. Issue notice to Respondents, returnable on one week. 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. one week.**

Date:- 28/06/2023.
aps.

Member (J)

O.A.No.1153/2022 (D.B.)

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

Dated : 28/06/2023.

C.A.No.283/2023:-

Heard Shri S.K.Kurpude holding for Shri N.B.Bargat, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. R-2 await service.

2. The ld. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. two weeks for final hearing.**

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

Member (J)

Date:- 28/06/2023.

aps.

O.A.No.321/2023 (D.B.)

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

Dated : 28/06/2023.

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

2. On oral request of ld. P.O., **S.O. 05.07.2023 to file reply.**

Member (J)

Date:- 28/06/2023.

aps.

O.A.No.387/2023 (D.B.)

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

Dated : 28/06/2023.

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.

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

Member (J)

Date:- 28/06/2023.

aps.

O.A.No.391/2023 (D.B.)

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

Dated : 28/06/2023.

Heard Shri A.Deshpande, 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 to file reply.**

3. **Interim relief to continue till next date.**

Member (J)

Date:- 28/06/2023.

aps.

O.A.No.573/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 28/06/2023.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant, Shri S.A.Deo, ld. C.P.O. for the respondents and Shri P.R.Puri, ld. counsel for the R-3.

2. The impugned communication is dated 02.06.2023 (A-6). It states that respondent no. 3 shall be promoted and given posting on the promotional post which may fall vacant on 30.06.2023 on account of retirement of earlier incumbent.

3. The issue is whether separate seniority list of disabled persons is required to be kept. It is the contention of the applicant that as per G.R. dated 20.04.2023 it is necessary to maintain such separate list. In support of this submission Clauses 3.3 to 3.5 of said G.R. are relied upon:-

“३.३ एखाद्या अधिकारी/कर्मचा-यास सेवेत नियुक्ती झाल्यानंतर दिव्यांगत्व आल्यास, त्याला पदावनत करता येणार नाही. दिव्यांग अधिकारी/कर्मचारी यांची दिव्यांगांमधील सेवा ज्योष्ठता विहित दिव्यांगत्वाच्या वैध प्रमाणपत्र दिनांकापासून ग्राह्य धरण्यात यावी. एखाद्या अधिकारी/कर्मचा-याचे नियुक्तीपूर्वीच्या दिनांकाचे दिव्यांगत्वाचे वैध प्रमाणपत्र असल्यास, त्याची दिव्यांगांमधील सेवाज्येष्ठता नियुक्तीच्या दिनांकापासून ग्राह्य धरण्यात यावी.

३.४ एखाद्या दिव्यांग उमेदवाराची गुणवत्तेनुसार, दिव्यांग आरक्षणाचा लाभ न घेता निवड झाली असल्यास व अशा उमेदवाराचे नियुक्तीपूर्वीच्या दिनांकाचे दिव्यांगत्वाचे वैध प्रमाणपत्र असल्यास, अशा उमेदवाराची दिव्यांगांमधील सेवा ज्येष्ठता त्याच्या नियुक्तीच्या दिनांकापासून ग्राह्य धरण्यात यावी.

३.५ दिव्यांगांना सर्व गटांमध्ये पदोन्नतीमध्ये आरक्षण देण्यात आल्यामुळे काही उमेदवारांनी आता विहित दिव्यांगत्व प्रमाणपत्र संबंधित यंत्रणेकडून उपलब्ध करून घेतले अथवा नियुक्ती प्राधिकारी यांना सादर केली असण्याची शक्यता आहे. अशा उमेदवारांची देखील दिव्यांगांमधील सेवा ज्येष्ठता त्यांच्या दिव्यांगत्वाच्या वैध प्रमाणपत्राच्या दिनांकापासून ग्राह्य धरण्यात यावी.”

In reply it is submitted by Id. C.P.O. that it is not necessary to maintain such separate list of disabled persons.

4. On behalf of the respondent no. 3 attention is invited to communication dated 17.02.2023 (A-8) which *inter alia* states:-

“सबब उपरोक्त नमुद शासन निर्णय/अधिसूचनेमध्ये दिव्यांग कर्मचा-यांसाठी संवर्गनिहाय स्वतंत्र सेवाज्येष्ठता ठेवण्याची तरतुद दिसुन येत नाही. त्यामुळे या कार्यालयाचे दिनांक १०.०८.२०२२ चे पत्रान्वये दिव्यांग कर्मचा-यांसाठी स्वतंत्र सेवाज्येष्ठता यादी ठेवण्यात यावी किंवा कसे या बाबत शासनस्तरावर मार्गदर्शन मागविण्यात आलेले आहे. अद्याप शासनस्तरावरून मार्गदर्शन प्राप्त झालेले नाही. त्यामुळे दिव्यांगाच्या प्रारूप सेवाज्येष्ठता यादीवर प्राप्त झालेल्या आक्षेपांबाबत कार्यवाही करण्यात आलेली नाही.”

5. Rival submissions as above will have to be gone into at length. The applicant submits that interim order making promotion of respondent no. 3 subject to outcome of this O.A. shall, for the present, suffice. I find merit in this submission. Promotion of respondent no. 3 shall be subject to outcome of this O.A..

6. **S.O. 13.07.2023.**

7. **Steno copy is granted.**

Member (J)

Date:- 28/06/2023.

aps.

C.P.No.28/2023inO.A.No.115/2018 (D.B.)

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

Dated : 28/06/2023.

Heard Shri N.W.Almelkar, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

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

Member (J)

Date:- 28/06/2023.

aps.

C.P.No.31/2023inO.A.No.134/2018 (D.B.)

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

Dated : 28/06/2023.

Heard Shri N.W.Almelkar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. It is the submission of ld. P.O. that parties impleaded in this O.A. and instant C.P. appears to be different. Ld. Counsel for the applicant states that he will verify and make statement and take necessary steps, if required. It is further submitted by ld P.O. that the issue decided in the O.A. out of which C.P. has arisen is pending before Hon'ble Supreme Court.

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

Member (J)

Date:- 28/06/2023.

aps.

C.P.No.33/2023inO.A.No.642/2019 (D.B.)

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

Dated : 28/06/2023.

Heard Shri V.Anand, 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 to file reply.**

Member (J)

Date:- 28/06/2023.

aps.

C.P.No.46/2023inO.A.No.132/2022 (D.B.)

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

Dated : 28/06/2023.

Heard Shri B.S.Sirsat, applicant in person and Shri S.A.Sainis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 10.07.2023 to file reply.**

Member (J)

Date:- 28/06/2023.

aps.

C.P.No.47/2023inO.A.No.579/2018 (D.B.)

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

Dated : 28/06/2023.

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the State. Await service of R-2 to 4.

2. Ld. Counsel for the applicant states that all the respondents are served.

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

Member (J)

Date:- 28/06/2023.

aps.

C.A.No.302/2023inO.A.No.650/2023 (D.B.)

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

Dated : 28/06/2023.

Heard Shri A.Sambre, Id. Counsel for the applicants and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. **C.A.No.302/2023 for Jt. O.A. is allowed.**

3. At PP. 30 to 39 there are various representations in which grievance is raised that the employees have been asked to attend training not at a place which is nearer to their place of posting but at a place which is far.

4. It is submitted that if these representations are decided by respondent no. 3 before 01.07.2023 grievance of the applicants would, for the present, stand redressed. **Respondent no. 3 shall decide these representations on their own merits by 30.06.2023.**

5. Issue notice to Respondents 4 & 5, returnable on three weeks. Learned P.O. waives notice for R-1, 2 & 3. 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. three weeks.**

Date:- 28/06/2023.
aps.

Member (J)

C.P.No.72/2022inO.A.No.181/2022 (D.B.)

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

Dated : 28/06/2023.

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

2. On oral request of ld. P.O., **S.O. 13.07.2023 to file reply.**

Member (J)

Date:- 28/06/2023.
aps.

C.P.No.51/2023inO.A.No.42/2020 (D.B.)

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

Dated : 28/06/2023.

Heard Shri P.Rananaware, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri A.P.Potnis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

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

Member (J)

Date:- 28/06/2023.

aps.