

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

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

Dated : 24/04/2023.

Shri Bawankar, Id. counsel holding for
Shri S.M. Khan, Id. counsel for the applicant and
Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. Counsel for the
applicant, **S.O. After Vacation.**

Vice Chairman

dnk.

O.A. No.933/2022 (S.B.)

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

Dated : 24/04/2023.

Shri B. Kulkarni, 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.**
08/06/2023.

Vice Chairman

dnk.

O.A. No.721/2021 (S.B.)

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

Dated : 24/04/2023.

Shri Wankhede, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 12/06/2023.**

Vice Chairman

dnk.

O.A. No.50/2023 (S.B.)

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

Dated : 24/04/2023.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 12/06/2023.**

Vice Chairman

dnk.

O.A. No.833/2019 (S.B.)

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

Dated : 24/04/2023.

Heard Shri Vijay Mishra, Id. Counsel holding for Shri H.M. Bobade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1&2. It is taken on record and copy is given to the applicant. The learned P.O. submits that said reply is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. After Vacation.

Vice Chairman

dnk.

O.A. No.783/2022 (S.B.)

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

Dated : 24/04/2023.

Shri A.R. Chavhan, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Vice Chairman

dnk.

O.A. No.104/2023 (S.B.)

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

Dated : 24/04/2023.

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2&3. It is taken on record and copy is given to the applicant. The learned P.O. submits that said reply is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. 12/06/2023.

Vice Chairman

dnk.

O.A. No.105/2023 (S.B.)

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

Dated : 24/04/2023.

C.A. 45/2023 -

Heard Shri Y.P. Kaslikar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. All the applicants are seeking regularisation. Their grievances are common.
3. Looking to the ground, the C.A. is allowed and disposed off.

O.A. No.105/2023 -

Heard Shri Y.P. Kaslikar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. Issue notice to the respondents returnable **19/06/2023**. Learned C.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.

S.O. 19/06/2023.

Vice Chairman

dnk.

O.A. No.206/2023 (S.B.)

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

Dated : 24/04/2023.

Shri R.M. Fating, Id. counsel holding for
Shri S.P. Palshikar, Id. counsel for the applicant
and Shri S.A. Deo, Id. C.P.O. for the
respondents.

At the request of Id. C.P.O., **S.O. After
Vacation** for filing reply.

Vice Chairman

dnk.

O.A. No.235/2023 (S.B.)

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

Dated : 24/04/2023.

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

At the request of Id. C.P.O., **S.O. After Vacation** for filing reply.

Vice Chairman

dnk.

O.A. No.286/2023 (S.B.)

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

Dated : 24/04/2023.

C.A. No.201/2023 -

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. Looking to the ground, the C.A. for amendment is allowed and disposed off. The necessary amendment be carried out forthwith.

O.A. No.286/2023-

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. The learned counsel for applicant is insisting to grant of stay to the subsequent order. If the applicant is eligible / entitled that can be granted after hearing.

S.O. After Vacation.

In the meantime, interim relief granted on 27/03/2023 to continue till next date.

Vice Chairman

dnk.

O.A. No.287/2023 (S.B.)

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

Dated : 24/04/2023.

C.A. No.202/2023 -

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. Looking to the ground, the C.A. for amendment is allowed and disposed off. The necessary amendment be carried out forthwith.

O.A. No.287/2023-

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. The learned counsel for applicant is insisting to grant of stay to the subsequent order. If the applicant is eligible / entitled that can be granted after hearing.

S.O. After Vacation.

In the meantime, interim relief granted on 27/03/2023 to continue till next date.

Vice Chairman

dnk.

O.A. No.288/2023 (S.B.)

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

Dated : 24/04/2023.

C.A. No.203/2023 -

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. Looking to the ground, the C.A. for amendment is allowed and disposed off. The necessary amendment be carried out forthwith.

O.A. No.288/2023-

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. The learned counsel for applicant is insisting to grant of stay to the subsequent order. If the applicant is eligible / entitled that can be granted after hearing.

S.O. After Vacation.

In the meantime, interim relief granted on 27/03/2023 to continue till next date.

Vice Chairman

dnk.

O.A. No.370/2023 (S.B.)

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

Dated : 24/04/2023.

C.A. 213/2023 -

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. All the applicants are praying same relief.
3. Looking to the ground, the C.A. is allowed and disposed off.

O.A. No.370/2023 -

Heard Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. Issue notice to the respondents returnable **After Vacation**. Learned C.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.

S.O. After Vacation.

Vice Chairman

dnk.

C.A. 166/2023 in O.A. No.673/2021 (S.B.)

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

Dated : 24/04/2023.

Heard Shri Rakesh Jangade, Id. counsel holding for Shri P.D. Ganvir, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The Id. P.O. submits that he will file reply during the course of day on C.A. and O.A.

S.O. 25/04/2023 for hearing.

Vice Chairman

dnk.

R.A. 11/2022 in O.A. No.85/2021 (S.B.)

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

Dated : 24/04/2023.

Shri M.L. Vairagade, 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. After Vacation** for filing reply.

Vice Chairman

dnk.

O.A. No.371/2023 (S.B.)

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

Dated : 24/04/2023.

Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. Issue notice to the respondents returnable **After Vacation**. Learned C.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.

S.O. After Vacation.

Vice Chairman

dnk.

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

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

Dated : 24/04/2023.

Shri S.A. Marathe, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
03/05/2023.

Vice Chairman

dnk.

O.A. No.869/2022 (S.B.)

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

Dated : 24/04/2023.

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court in Writ Petition No.1192/2021 and other Judgments of this Tribunal.

3. The learned P.O. wants time to go through the Judgments.

S.O. 13/06/2023 (PH).

Vice Chairman

dnk.

O.A. No.878/2022 (S.B.)

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

Dated : 24/04/2023.

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court in Writ Petition No.1192/2021 and other Judgments of this Tribunal.

3. The learned P.O. wants time to go through the Judgments.

S.O. 13/06/2023 (PH).

Vice Chairman

dnk.

O.A. No.368/2023 (D.B.)

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

Dated : 24/04/2023.

Shri R.M. Fating, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondent.

2. Issue notice to the respondents returnable **After Vacation**. Learned C.P.O. waives notice for sole respondent.

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.

S.O. After Vacation.

Vice Chairman

dnk.

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O.A.No.758/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. Ld. P.O. has filed reply on behalf of the
respondents 2 & 3. It is taken on record. He submits
that he will serve it to the other side. He further
submits that it is sufficient to decide the matter.

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

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

5. **S.O. Last week of July, 2023 for final
hearing.**

Member (J)

Date:- 24/04/2023.
aps.

O.A.No.529/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

Heard Shri R.P.Deshpande, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. Await service of R-2 to 4.

2. Ld. Counsel for the applicant states that respondents are served and he will file service affidavit today itself. On oral request of ld. P.O., S.O. four weeks for filing reply.

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.758/2022 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.**

Heard Shri U.J.Deshpande, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the R-17, 19 & 22.

2. Ld. P.O. states that he will ascertain date of retirement and date of increment of the applicant and make a statement so that the O.A. can be disposed of in view of judgment dated 11.04.2023 delivered by the Hon'ble Supreme Court in S.L.P. (Civil) No. 6185/2020 (The Director [Admn. & H.R.] KPTCL & Ors. Vs. C.P.Mundinamani & Ors.) copy of which is today placed on record by the applicant.

3. **S.O. 02nd week of June, 2023.**

Member (J)

Date:- 24/04/2023.
aps.

O.A.No.1035/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

None for the applicant. Shri A.M.Khadatkar,
Id. P.O. for the State. Await service of R-2 to 4.

2. **S.O. after summer vacation.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.20/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

C.A.No.170/2023:-

Heard 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. P.O., **S.O. 03.05.2023** for filing reply on C.A..

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.116/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

Heard Shri P.S.Verma holding for Shri P.S.Wathore, 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. four weeks for filing reply.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.Nos.218,267&268/2023 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.**

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

2. Ld. Counsel for the applicant states that the respondents are served and he will file service affidavit. On oral request of ld. P.O., **S.O. four weeks for filing reply.**

Member (J)

Date:- 24/04/2023.
aps.

O.A.No.297/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

Heard Shri J.S.Deshmukh holding for Shri S.P.Palshikar, 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. four weeks for filing reply.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.Nos.543/2021,68/2022,575,576,843,

844/2019 & 542/2021 (S.B.)

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

Dated : 24/04/2023.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents, Shri S.K.Jagirdar, ld. Counsel for the R-4 in O.A. No. 68/2022 and Smt. M.P.Munshi, ld. Counsel for the R-4 in O.A. No. 542/2021.

2. Ld. Counsel for the applicant submits that issue involved in these O.As. is pending before the Hon'ble High Court and hence these matter be kept on **03.07.2023**.

Member (J)

Date:- 24/04/2023.
aps.

O.A.Nos.1109/21,69,266,1021&1022/22

O.A.Nos.248/2018&1108/2021(S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.**

Heard Shri J.S.Deshmukh, ld. Counsel for the applicants, Shri A.M.Khadatkar, ld. P.O. for the respondents, Shri S.Makkat holding for Shri S.M.Bhangde, ld. Counsel for the R-4 & 5 in O.A. Nos. 1109/2021 & 266/2022, Shri S.Katkar, ld. Counsel for the R-2 in O.A. No. 1021/2022 and Shri R.Bondade, ld. Counsel for the R-4 & 5 in O.A. No. 1108/2021. None for the R-4 & 5 in O.A. No. 69/2022. None for the R-4 & 5 in O.A. No. 1021&1022/2022. None for the R-4 & 5 in O.A. No. 248/2018.

2. On oral request of ld. P.O., **S.O. 08.06.2023.**

Member (J)

Date:- 24/04/2023.
aps.

O.A.No.584/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

Heard Shri R.Lilhare holding for Shri S.S.Dhengale, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. On oral request of Id. Counsel for the applicant, **S.O. 03.05.2023.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.412/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. Ld. Counsel for the applicant states that as per instructions received by him the applicant has retired. **S.O. 27.04.2023 for making the statement.**

Date:- 24/04/2023.
aps.

Member (J)

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

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. Ld. Counsel for the applicant seeks time till 08.06.2023.

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

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.206/2018 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.**

None for the applicant. Shri M.I.Khan, ld. P.O.
for the respondents and Shri Vishnu holding for Shri
H.D.Marathe, ld. Counsel for the R-2.

2. **S.O. 02nd Week of June, 2023.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.466/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. **S.O. last week of June, 2023.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.Nos.636&637/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. Ld. Counsel for the applicant desires to unconditional withdraw the O.A.. **The O.A. is disposed of as unconditional withdraw.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.863/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

Heard Ms. S.Badge holding for Shri R.S.Khobragade, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. The ld. Counsel for the applicant submits that the O.A. has become infructuous on account of retirement of the applicant on 30.06.2020.

3. In view of this statement, **the O.A. is disposed of with no order as to costs.**

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.111/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. **Closed for orders.**

Date:- 24/04/2023.
aps.

Member (J)

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

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

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

2. S.O. 26.06.2023.

Date:- 24/04/2023.
aps.

Member (J)

O.A.No.1155/2021withC.A.No.398/2022 (S.B.)

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

Dated : 24/04/2023.

Heard Shri C.A.Babrekar, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. By this C.A. the applicant is seeking stay to effect and implementation of order dated 09.09.2022 (A-7).

3. Contention of the applicant has set out in para no. 3 of the C.A. is as follows:-

“That, the applicant has given detail reply to all the notices, how the recovery is not correct against the applicant as per the rules and procedure and manual of Godown Keeping. That, as per Godown Manual Chapter-7 of the Manual for shortage in stored food grain para-7.1 provides the reasons for reduction in the stock of food grains, it also provides classification of losses in four categories. The para No.7.2 provides for transit loss, para No.7.3 provides godown losses and as per 7.3.2 the officers can rights of loss and it provides that the losses less than 1% for every three month storage can be considered as a reasonable loss. At the time of inspection and passing the order this facts are not taking into consideration by respondents therefore, the order for recovery is arbitrary.”

4. To support aforequoted contentions the applicant has relied on the judgment dated 17.01.2019 delivered by Aurangabad Bench of this Tribunal in O.A.No. 04/2017. In this Judgment following observations are made:-

“8. The Government Resolution dated 1.04.2008 provides that loss to the extent of 2% has to be considered reasonable for the food-grain stored in the amount, during the year 2004-2005 to 2006-2007. Neither the Applicant nor

the Respondents has produced the recent G.R. issued by the Government in that regard.

9. On going through the above said referred provision of Godown Manual as well as G.R., it reveals that the Government can write off the loss caused in the stock of food-grain due to storage in the Godown for long period to the certain extent and limit fixed by the Government in that regard, has to be considered 'reasonable'. If the loss is more than reasonable percentage of loss prescribed by the Government, then the excess loss shall be recovered by the concerned officer at the rate of Rs.1.5 % of the basis price."

The applicant has further relied on order dated 28.02.2023 in which *inter alia* it is stated:-

“4 १०० टक्के पडताळणी असल्यामुळे प्रत्येक थप्पीतील १०% धान्याचे प्रत्यक्ष वजन करून तफावत १% च्या वर जर असली तर १००% गोदामाची मोजनी करावी व वजन पट्टीचे उतारे घेवून त्यानुसार अहवाल सादर करावा. “

Having regard to facts of the case, contentions of the applicant, judgment dated 17.01.2019 and order dated 28.02.2023 case is made out to stay the effect and implementation of order dated 09.09.2022 (A-7) till further orders. Effect and implementation of order dated 09.09.2022 (A-7) is stayed till further orders.

5. **Hence, C.A. No. 398/2022 is disposed of.**
6. **S.O. 03rd Week of June, 2023.**
7. **Steno copy is granted.**

Member (J)

Date:- 24/04/2023.
aps.

O.A.Nos.982/17,622,920,240,241,988,989&

990/2019 (S.B.)

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

Dated : 24/04/2023.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents, Shri N.Majithia, ld. Counsel for the R-4 & 5 in O.A.No.982/2017 & Shri M.V.Bute, ld. Counsel for the R-4 & 5 in O.A.Nos.988, 989 & 990/2019. None for the R-5 in O.A. No. 920/2018. None for the R-5 in O.A. Nos. 240 & 241/2019.

2. Shri M.I.Khan, ld. P.O. for the respondent no. 1 makes a statement that the State Government is going to take a decision pursuant to the Judgment dated 04.01.2022 delivered by the Principal Bench of this Tribunal in a batch of original applications. On this very judgment the applicants in this group are relying. Ld. Counsel for the applicants submits that on behalf of respondent no. 1 identical submission was made even on previous date but no progress appears to have been made and no definitive statement have been made so far before this Tribunal about implementation of judgment dated 04.01.2022. It is further submitted that in case no definitive statement is made on behalf of respondent no. 1 on the next date this Tribunal may consider the question of saddling cost on them.

3. **S.O. 08.06.2023.**

Member (J)

Date:- 24/04/2023.

aps.

Rev.A.No.02/2019 in O.A.No.771/2016 with
Rev.A.No.03/2019 in O.A.No.773/2016 with
Rev.A.No.04/2019 in O.A.No.23/2017 with
Rev.A.No.05/2019 in O.A.No.477/2017 with
Rev.A.No.06/2019 in O.A.No.24/2017 with
Rev.A.No.07/2019 in O.A.No.476/2017 with
Rev.A.No.08/2019 in O.A.No.633/2017 with
Rev.A.No.09/2019 in O.A.No.479/2017 with
Rev.A.No.10/2019 in O.A.No.772/2016 with
Rev.A.No.11/2019 in O.A.No.862/2017 with
Rev.A.No.12/2019 in O.A.No.981/2017 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 24/04/2023.

Shri J.S.Deshmukh, (for original applicant).
None present for review applicants.

2. Hence, **all the review are dismissed.**

Date:- 24/04/2023.
aps.

Member (J)