

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

**(Gajanan Domaji Kamde Vs. State of Maharashtra & Ors. )**

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

**Dated : 27/04/2023.**

**ORDER**

Heard Shri Anand Deshpande, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. The learned counsel for the applicant has pointed out the order passed by this Tribunal in O.A.No.1015/2021, dated 25/03/2022. This Tribunal has recorded its findings in para-23 and passed the order as under –

*"23. In our considered view, what needs to be ascertained by the tribunal/court is whether the aggrieved candidate, who complains of illegality in the selection process had, or had not, due knowledge of such process being conducted illegally prior to participating in the process and taking a chance of selection. If it is found that he had knowledge and the deviation from or disregard to the applicable recruitment rules is not glaring but minimal, in the sense that it does not shock its conscience, the court/tribunal ought to stay at a distance. But, in a case where the candidate has knowledge of an illegality, yet, participates in the process but the extent of illegality is such that it can be viewed as "glaring illegality", it is for the tribunal/court to decide the point of maintainability of the challenge judiciously. However, if the candidate does not have knowledge and the process suffers from glaring illegality, the decisions relied on by the tribunal to dismiss the original application of the petitioners would not apply but C. D. Govind Rao (supra), Dalpat Abasaheb Solunke (supra), and Raj Kumar (supra) ought to be applied."*

*On the basis of report of the expert at page no. 152 it cannot be concluded with certainty that respondent no. 3 possesses requisite*

*experience for the post. This aspect is, therefore, required to be determined afresh by a committee which respondent nos. 1 & 2 shall constitute in consultation with each other. Needless to say that the committee which may comprise a solitary number or more than 1 member shall not consist of or include the expert who issued the report of scrutiny at page no. 152. We make it clear that the only part of the process which will have to be undertaken again is verification of experience certificates of respondent no. 3 for deciding the question of admissibility or otherwise of experience mentioned therein. Hence, the order:-*

**ORDER**

*The original application is allowed in the following terms:-*

1. *The impugned order dated 28.10.2021 declaring respondent no. 3 fit for the post of Joint Director, Group-A from General/ Open Category is quashed and set aside.*
2. *Respondent nos. 1 & 2, in consultation with each other, shall constitute a committee to verify experience certificates furnished by respondent no. 3, and to decide whether or not experience mentioned in each of these certificates would be admissible in terms of clause 4.4 of the advertisement dated 05.08.2020.*
3. *The expert who issued scrutiny report at page 152 shall not be part of the committee to be constituted for the purpose.*
4. *Final result shall be declared after verification of experience certificates of respondent no. 3 is carried out by the committee and scrutiny report is prepared.*
5. *No order as to costs."*

3. The said order was challenged by the then applicant, i.e., Sewakdas Pundlikrao Awale (in O.A.No.1015/2021) before the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.1947/2022. The

Hon'ble High Court has decided the said Writ Petition on 18/04/2023. In para-12 the Hon'ble High Court has observed as under –

*“(12) Be that it may, it is a matter record that pursuant to the said direction by Government Resolution dated 18/04/2022, the State Government constituted three Member Committee under the Chairmanship of Joint Secretary, Revenue and Forest Department, Mantralaya, Mumbai consisting of Member, Maharashtra Public Service Commission and Geologist, Manganese Ore India Ltd. (MOIL), Nagpur as its Member. Now the said Committee has submitted its report after examining the certificates of experience of respondent no.3. What remains now for respondent no.2 is to consider the report of the Committee and to declare the result. In view of the circumstances referred above, no interference is required in the order dated 25/03/2022 of the MAT.”*

4. During the course of argument, the learned CPO has pointed out the communication dated 26/04/2023. It is marked Exh-X for identification.

5. The learned counsel for the applicant has filed material documents. It is commonly marked as Exh-X for identification. The learned counsel for applicant has pointed out that without following the order of M.A.T., Nagpur Bench and Hon'ble Bombay High Court, Bench at Nagpur, the respondents have now called 20 candidates for the interview of the post of Joint Director in the Directorate of Geology and Mining, Group-A.

6. From the perusal of the communication pointed by learned CPO, it appears that there were various mistakes and mistakes were found in the earlier process of interview / verification of documents. Therefore, all eligible candidates were again called for interview on 03/05/2023. The learned CPO has submitted that no prejudice will cause to the applicant, because, he is also one of the eligible candidate, if he is eligible, he will be promoted.

7. The learned counsel for applicant submits that now there is no question of eligibility, because, as per the directions of M.A.T., Bench at Nagpur in O.A.No. 1015/2021, the respondents were bound to verify the report of

Committee, i.e., in respect of experience of the applicant. The learned counsel for applicant has submitted that as per the Judgment of Hon'ble Bombay High Court, Bench at Nagpur, the respondents are bound to declare the result of applicant and thereafter the respondents can take interview, if the applicant is not found eligible.

8. Now there is nothing on record to show that the result of applicant was declared by the respondents. Without declaring the result of the applicant in respect of the report of Scrutiny Committee **appointed** by the respondents as per the directions given by the M.A.T., Bench at Nagpur. The respondents have to first declare the result of Scrutiny Committee and thereafter, the respondents are at liberty to proceed for interview.

9. It is clear from the Judgment of M.A.T., Bench at Nagpur and the Judgment of the Hon'ble Bombay High Court, Bench at Nagpur that specific directions were given to the Scrutiny Committee. It is observed by the Hon'ble High Court that the Scrutiny Committee has submitted the report in respect of applicant. The respondent no.2 has to consider the report of the Committee and declare the result.

10. Hence, without declaring the result, the applicant again cannot be called for the interview, because, the report of the Scrutiny Committee is in respect of the earlier interview (verification of documents etc.).

11. The learned counsel for applicant has pointed out the interim relief granted by the Hon'ble Bombay High Court, Bench at Nagpur on 30/08/2022 in Writ Petition No.1947/2022. The Hon'ble Bombay High Court has passed the following order –

*“ In the meanwhile, the post of Joint Director, Directorate of Geology and Mining which is the subject of matter of dispute in the present proceedings shall be kept vacant till the next date of hearing.”*

12. In view of above discussions, it is clear that the respondents have to first declare the result of the applicant in respect of the report submitted by Scrutiny Committee and thereafter the respondents can proceed further for the interview of other candidates. Hence, the following order –

ORDER

(i) The interim relief is granted.

(ii) The respondents shall not proceed to conduct the interview in respect of the said post which is to be held on 3/5/2023.

(iii) In the meanwhile, the post of Joint Director, Directorate of Geology and Mining which is the subject of matter of dispute in this O.A. shall be kept vacant till the next date of hearing.

13. Issue notice to the respondent no.2 returnable **07/06/2023**. Learned C.P.O. waives notice for respondent no.1. Hamdast allowed.

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

15. 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.

16. 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.

17. 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.

18. 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. 07/06/2023.**

Steno copy is granted.

**Vice Chairman**

dnk.

**O.A.No.859/2020 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. On oral request of ld. P.O., **S.O. after  
summer vacation to file reply.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.395/2023 (S.B.)**  
**G.J.Jagdale Vs. State of Maharashtra & Another**  
**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 27/04/2023.**

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

2. Yesterday a query was made whether the applicant in this O.A. and the applicant in O.A. No. 466/2023 stand on the same footing. Today the applicant has filed his affidavit stating therein that the applicant before this Bench as well as the applicant in O.A. No. 466/2023 stand on the same footing in the sense that transfer orders of both of them have been stayed by the order dated 13.04.2023 (A-1) which is impugned in this O.A..

3. The applicant has placed on record interim order passed in O.A. No. 466/2023 on 25.04.2023. Since the applicant before this Bench and the applicant in O.A. No. 466/2023 are identically placed it would be appropriate to pass an identical interim order. In the order passed by the Principal Bench in O.A.No.466/2023 there is mention that before passing the same file/ record relating to the impugned order was gone through.

4. After considering submissions of ld. Counsel for the applicant and ld. C.P.O. for the respondents, I have come to the conclusion that the impugned order is required to be stayed. The impugned order is stayed till the returnable date i.e. 20.06.2023. It is made clear that since the impugned order staying the order of transfer of the applicant has been stayed, the applicant may join on his transferred post as per order of transfer dated 12.04.2023.



5. Issue notice to Respondents, returnable on 20.06.2023. Learned C.P.O. waives notice for R-1. 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. 20.06.2023.**

**Member (J)**

**Date:- 27/04/2023.**  
aps.

O.A.No.575/2021 (S.B.)

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

**Dated : 27/04/2023.**

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

2. The 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, O.A. is **admitted** and kept for final hearing.

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

5. **S.O. after summer vacation.**

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

**Member (J)**

**Date:- 27/04/2023.**

aps.

O.A.No.278/2022 (S.B.)

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

**Dated : 27/04/2023.**

Heard Shri P.P.Khaparde holding for Shri G.G.Bade, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. None for the R-4.

2. The ld. P.O. has filed reply on behalf of the respondents 1 & 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 ld. P.O. waives notice for the respondents.

5. **S.O. after summer vacation.**

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

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.363/2022 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 27/04/2023.**

Heard Shri P.P.Khaparde, 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. after summer vacation to file reply.**

**Member (J)**

**Date:- 27/04/2023.**  
aps.

**O.A.No.470/2022 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. On oral request of ld. P.O., **S.O. after  
summer vacation to file reply.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.1071/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri P.P.Khaparde, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents. None for the R-5.

2. On oral request of Id. P.O., **S.O. after summer vacation to file reply.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.Nos.1210,1211&1213/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri P.P.Khaparde, Id. Counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the Respondents and Shri H.D.Marathe, Id. Counsel for the R-3.

2. On oral request of Id. Counsel for the R-3,  
**S.O. after summer vacation to file reply.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.196/2023 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri S.N.Gaikwad, 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. 13.06.2023 to file reply.**

**Member (J)**

**Date:- 27/04/2023.**

aps.



**O.A.No.252/2023 (S.B.)**

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

**Dated : 27/04/2023.**

None for the applicant. Shri S.A.Deo, ld. C.P.O.  
for the State. Await service of R-2 & 3.

2. **S.O. after summer vacation to file service  
affidavit.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.281/2023 (S.B.)**

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

**Dated : 27/04/2023.**

None for the applicant. Shri S.A.Deo, ld. C.P.O.  
for the Respondents. Await service of R-2 & 3.

2. **S.O. after summer vacation to file service  
affidavit.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.1237/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri H.D.Marathe holding for Shri P.S.Patil, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 02.05.2023.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.1238/2022 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. On oral request of ld. P.O., **S.O. 02.05.2023.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

O.A.No.1256/2022 (S.B.)

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

**Dated : 27/04/2023.**

Heard Shri S.Y.Deopujari, 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. after summer vacation to file reply.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.Nos.659,660,661,662,663,664,665,666,667**

**,668,669&670/2018 (S.B.)**

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

**Dated : 27/04/2023.**

None for the applicant. Shri A.M.Ghogre, Id.  
P.O. for the Respondents. None for the R-4.

**2. The O.A. is dismissed for want of  
prosecution.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.871/2018 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. The Id. Counsel for the applicant submits that the matter has become infructuous. In view of this statement **the O.A. is disposed of with no order as to costs.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

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

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

**Dated : 27/04/2023.**

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents. None for the R-4.

2. The Id. Counsel for the applicant submits that the matter has become infructuous. In view of this statement **the O.A. is disposed of with no order as to costs.**

**Member (J)**

**Date:- 27/04/2023.**

aps.



**O.A.No.378/2020 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. On oral request of Id. P.O., **S.O. after  
summer vacation.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.584/2020 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri A.Motlog holding for Shri A.C.Dharmadhikari, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. None for the R-4.

2. On oral request of ld. Counsel for the applicant, **S.O. after summer vacation.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.Nos.1152&1153/2021&86/2022 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. Ld. P.O. submits that as per directions of the Tribunal copies of documents have been supplied to him today only. **S.O. 13.06.2023.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.260/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard 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. Counsel for the applicant, **S.O. after summer vacation.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.608/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri A.S.Thotange, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. **Closed for orders.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.No.755/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri R.M.Fating, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents. None for the R-3.

2. On oral request of Id. Counsel for the applicant, **S.O. 21.06.2023.**

**Member (J)**

**Date:- 27/04/2023.**

aps.

**O.A.623/2017 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. The applicant may carry out amendment.
3. **S.O. after vacation.**

**Vice Chairman**

rsm.

**O.A.1113/2021 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri R.S.Suryawanshi, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents 1 to 3 and Shri K.S.Malokar, ld.counsel for the respondent no.4.

2. On 14.02.2023 order was passed directing the respondents to file reply positively, in case the reply is not filed on next date matter shall be heard without reply finally. Thereafter, on 10.03.2023 matter was fixed but reply was not filed. The O.A. is **admitted** and kept for final hearing.

3. **S.O. after vacation.**

4. In the meantime respondents may file reply.

**Vice Chairman**

rsm.



**O.A.1154/2021 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. At the request of ld. P.O., **S.O. after  
vacation for filing reply.**

**Vice Chairman**

rsm.

**O.A.720/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri D.S.Sawarkar, holding for Shri S.M.Khan, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Learned P.O. has filed reply of respondents 2 and 4. It is taken on record. It is stated to be sufficient. The O.A. is **admitted** and kept for final hearing.

3. Learned P.O. waive notices for the respondents.

4. **In due course.**

**Vice Chairman**

rsm.

**O.A.1027/2022 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. At the request of ld. P.O., **S.O. after vacation for filing reply.**

**Vice Chairman**

rsm.

**O.A.1176/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri D.S.Sawarkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Learned P.O. has filed reply of respondents 2 and 3. It is taken on record. It is sufficient. The O.A. is **admitted** and kept for final hearing.

3. Learned P.O. waive notices for the respondents.

4. **In due course.**

**Vice Chairman**

rsm.

**O.A.1242/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri D.Patil, holding for Shri  
O.Y.Kashid, ld. counsel for the applicant and Shri  
V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. 19.06.2023.**

**Vice Chairman**

rsm.

**O.A.774/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri P.S.Kadam, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents 1 to 3. None for the respondents 4 and 5.

2. At the request of Id. P.O., last chance is granted to file reply, if the reply is not filed on next date matter will be heard without reply.

3. **S.O. after vacation.**

**Vice Chairman**

rsm.

**O.A.1260/2022 (S.B.)**

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

**Dated : 27/04/2023.**

None for the applicant. Heard Shri  
S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after  
vacation for filing reply.**

**Vice Chairman**

rsm.

**O.A.53/2023 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri K.J.Rawandhe, 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. after vacation for filing reply as last chance.**

**Vice Chairman**

rsm.



**O.A.67/2023 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. Respondent no.3 has filed reply.

3. As per the submission of learned P.O., this reply is sufficient for other respondents. The O.A. is **admitted** and kept for final hearing.

3. Learned P.O. waive notices for the respondents.

4. **In due course.**

**Vice Chairman**

rsm.

**Rev.No.06/2020 in O.A.924/2017 (S.B.)**

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

**Dated : 27/04/2023.**

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

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

**Vice Chairman**

rsm.

**O.A.1196/2022 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. Learned P.O. has filed reply of respondent nos.1 to 3. It is taken on record. The O.A. is **admitted** and kept for final hearing.

3. Learned P.O. waive notices for the respondents.

4. **In due course.**

Put up this matter along with O.A.No.809/2019.

**Vice Chairman**

rsm.

**O.A.254/2023 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Learned counsel for the applicant has pointed out the representation made by the applicant dated 24.02.2023 and prayed for direction to the respondents to decide the same.

3. Learned P.O. seeks time to file reply. Respondents are directed to take decision on the representation made by the applicant dated 24.02.2023 within a period of two months. Time is granted to file reply.

4. **S.O. after vacation.**

**Steno copy is granted.**

**Vice Chairman**

rsm.

**O.A.1246/2022 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Mrs. K.N.Saboo, holding for Shri P.S.Patil, 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. 02.05.2023.**

Put up this matter along with O.A.No.1237/2022, O.A.No.1238/2022 and O.A.No.1256/2022 (connected matters).

**Vice Chairman**

rsm.

**O.A.627/2017 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri S.N.Gaikwad, 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. 15.06.2023.**

**Vice Chairman**

rsm.

**O.A.935/2018 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri R.D.Narkhede, holding for Shri S.K.Chavan, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

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

**Vice Chairman**

rsm.

**O.A.535/2020 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. **S.O. 15.06.2023.**

**Vice Chairman**

rsm.



**O.A.536/2020 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. **S.O. 15.06.2023.**

**Vice Chairman**

rsm.

**O.A.786/2020 (S.B.)**

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

**Dated : 27/04/2023.**

None for the applicant. Heard Shri M.I.Khan, ld. P.O. for the respondents 1 to 4 and Shri H.D.Marathe, ld. counsel for the respondent no.5.

2. At the request of ld. counsel, **S.O. after vacation.**

**Vice Chairman**

rsm.

**O.A.927/2020 (S.B.)**

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

**Dated : 27/04/2023.**

Heard Shri R.M.Fating, holding for Shri V.B.Gawali, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. after vacation.**

**Vice Chairman**

rsm.

**O.A.868/2021 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. **S.O. 15.06.2023.**

3. P.H.

**Vice Chairman**

rsm.

**O.A.400/2022 (S.B.)**

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

**Dated : 27/04/2023.**

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

2. During the course of arguments, learned P.O. has pointed out para 4 and 10 of the reply. Learned P.O. submits that the applicant has not submitted his diary in respect of additional work. The applicant is already retired.

3. As per the submission of learned counsel for the applicant, all documents are with the respondents. Learned P.O. is requested to get instructions as to whether those documents were submitted to the respondents or not ?

4. Learned P.O. is directed to get Rules of granting additional pay / additional charge and requirement for fulfilling the conditions to get the special pay of additional charge.

**S.O. after vacation.**

**Vice Chairman**

rsm.

O.A.659/2022 (S.B.)

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

**Dated : 27/04/2023.**

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

2. The learned counsel for the applicant has filed G.R. dated 21.03.2023. It is marked Exhibit-X for identification. As per this G.R. following decision is taken by the Government.

**शासन निर्णय -:**

श्री.अनिल रामदास सुटे, दंततंत्रज्ञ (से.नि.) शासकीय वैद्यकीय महाविद्यालय, मिरज यांना चुकीची वेतनश्रेणी मंजूर केल्याने वेतनापोटी रु.१०,६२,५७९/- इतकी रक्कम अतिप्रदान झालेली आहे. श्री.सुटे हे दि.३०.०६.२०२२ रोजी सेवानिवृत्त झाले आहेत. यास्तव श्री.सुटे यांना अतिप्रदान झालेल्या रु.१०,६२,५७९/- इतक्या रक्कमेची वसुली करण्यास या शासन निर्णयान्वये सुट देण्यात येत आहे.

२. वेतनपडताळणी पथकाने काढलेल्या आक्षेपानुसार श्री.सुटे यांच्या वेतनाची पुनश्च वेतननिश्चिती करून त्यानुसार अनुज्ञेय असलेल्या वेतनानुसार निवृत्तीवेतन व तदनुषंगिक सर्व लाभ श्री.सुटे यांना अदा करण्यात यावेत.

३. अतिप्रदान रक्कम वसुल करण्यास देण्यात येणारी सुट ही पुर्वोदाहरण म्हणून इतर कोणत्याही प्रकरणात लागू करता येणार नाही.

सदरचा शासन निर्णय वित्त विभाग, अनौपचारिक संदर्भ क्र.५६/२३/सेवा-३, दि.०२.०२.२०२३ अन्वये देण्यात आलेल्या मान्यतेनुसार निर्गमित करण्यात येत आहे.

3. The Government has waived the recovery of the applicant of Rs.10,62,571/-. Now, there is no grievance of the applicant in view of the G.R. dated 21.03.2023.

4. Respondents may verify the G.R. dated 21.03.2023, if it is found correct the respondents may act accordingly as per the guidelines given in the G.R. Hence, the O.A. is disposed of.

**Vice Chairman**

rsm.

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

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

**Dated : 27/04/2023.**

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

2. At the request of ld. P.O., **S.O. 07.06.2023.**

**Vice Chairman**

rsm.

**O.A.375/2023 (D.B.)**

**( Sanjay G. Ingle Vs. State of Maharashtra & Ors. )**

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

**Dated : 27/04/2023.**

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

2. Learned counsel for the applicant has submitted that the applicant had moved application for reversion on 25.11.2022. Thereafter, the applicant has withdrawn the same as per request letter dated 25.01.2023, but the respondents have not considered his request letter dated 25.01.2023 and issued demotion order dated 05.04.2023. Learned counsel for the applicant has submitted that the applicant is not relieved from the post of Clerk and therefore the impugned order be stayed.

3. Learned C.P.O. has submitted that reversion came into effect from the date on which the demotion order is passed, i.e., on 05.04.2023. Now the applicant cannot claim that he shall be posted as Clerk.

4. The applicant himself has given a request letter stating that he is not able to discharge the duties of the post of Clerk and therefore he himself requested the respondent to demote him on the post of Peon. Accordingly, the order was passed. Hence, the stay cannot be granted to the impugned order. Prayer for stay is rejected.

5. Issue notice to the respondents, returnable **on 15.06.2023**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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



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

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

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

**S.O. 15.06.2023.**

**Steno copy is granted.**

**Vice Chairman**

rsm.

**O.A.378/2023 (D.B.)**

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

**Dated : 27/04/2023.**

Heard ShriN.B.Kalwaghe, ld. counsel for the applicant and ShriS.A.Deo, ld. C.P.O. for the State.

2. Issue notice to the respondents, returnable **on 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.

8. **S.O. 19.06.2023.**

**Vice Chairman**

rsm.

**C.P.No.35/2023 in O.A.10/2021 (D.B.)**

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

**Dated : 27/04/2023.**

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and ShriS.A.Deo, ld. C.P.O. for the State.

2. Issue Notice to the respondents returnable **on 20.06.2023** 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. ShriS.A.Deo, the learned C.P.O. waives notice for respondents. Hamdast granted.

4. **S.O.20.06.2023.**

**Vice Chairman**

rsm.

**C.P.No.42/2023 in O.A.1161/2022  
(D.B.)**

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

**Dated : 27/04/2023.**

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Issue Notice to the respondents returnable **on 20.06.2023** 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 S.A.Deo, the learned C.P.O. waives notice for respondents. Hamdast granted.

4. **S.O.20.06.2023.**

**Vice Chairman**

rsm.

**O.A.335/2023 (D.B.)**

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

**Dated : 27/04/2023.**

Heard Shri N.R.Saboo, Id. counsel for the applicant, Shri S.A.Deo, Id. C.P.O. for the respondents 1 to 3 and Shri G.S.Bhajibhiye, holding for Shri S.M.Bhangde, Id. Counsel for the respondent no.4.

2. Learned counsel for the applicant has pointed out notification dated 23.02.2022. He has pointed out Clause-II proviso and submitted that the age of retirement of District Civil Surgeon, Specialist, Police Surgeon and Medical Officers cadre in Maharashtra Medical Health Services, Group-A and Medical Officers cadre in Maharashtra Medical Insurance Services, Group-A shall retired from the service on the afternoon of the last day of month in which he attained age of 62 years. The applicant is attaining the age of 58 years on 31.05.2023. Therefore, the applicant prayed for direction to the respondents to extend the age of retirement after 58 years as per representation dated 27.12.2022.

3. The learned C.P.O. Shri S.A. Deo has pointed out the same notification. In the last para it is mentioned as under-

***Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group- A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:***

***Provided also that, the above provisos shall be in force till the 31st May 2023.***

4. The notification dated 23.02.2022 show that the same is in force till 31.05.2023. The applicant has been completing 58 years on 31.05.2023. Therefore, the retirement of the applicant can only be extended upto 31.05.2023. In view of the G.R. the O.A. is disposed of with direction to the respondents to continue the service of the applicant till 31.05.2023 as per notification.

**Vice Chairman**

rsm.