

Rev.A.No.16/2020 in
O.A.No.251/2018 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. The learned P.O. has filed reply of
respondents 3 and 4. It is taken on record.

3. **S.O.13.12.2023.**

Vice Chairman

rsm.

O.A.No.878/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

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

2. The learned P.O. has filed reply of respondents 1 to 5. It is taken on record. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

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

Vice Chairman

rsm.

O.A.St.No.1085/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

C.A.No.170/2022

Shri P.M.Tembhurnikar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. The learned P.O. seeks time to file reply of respondents 1 and 2 on C.A. for condonation of delay.

3. **S.O. after three weeks.** Time is granted as last chance.

Vice Chairman

rsm.

O.A.No.818/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. four weeks for
filing reply.**

Vice Chairman

rsm.

O.A.No.888/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. four weeks for
filing reply.**

Vice Chairman

rsm.

O.A.No.1132/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri A.Motlog, 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. three weeks
for filing reply.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

C.A.No.499/2023

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. three weeks
for filing reply.**

Vice Chairman

rsm.

O.A.No.227/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. three weeks
for filing reply.**

Vice Chairman

rsm.

O.A.No.283/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

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

2. The learned P.O. has filed reply of
respondent no.2. It is taken on record. The O.A. is
admitted and kept for final hearing.

3. The learned P.O. waives notice for the
respondents.

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

Vice Chairman

rsm.

O.A.No.326/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri B.Kulkarni, 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. three weeks
for filing reply.** No further time will be granted.

Vice Chairman

rsm.

O.A.No.348/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri N.R.Saboo, 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. four weeks for
filing reply.**

Vice Chairman

rsm.

O.A.No.363/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri B.Kulkarni, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. The learned P.O. has filed reply of respondents 1 and 2. It is taken on record. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

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

Vice Chairman

rsm.

O.A.No.366/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

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

2. The learned P.O. has filed reply of
respondent no.2. As per his submission, it is
sufficient to decide the O.A.. The O.A. is **admitted**
and kept for final hearing.

3. The learned P.O. waives notice for the
respondents.

4. **S.O. 15.12.2023.**

Vice Chairman

rsm.

O.A.No.736/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, ld. P.O. for the Respondents 1 to 3. None for the respondents 4 & 5.

2. At the request of ld. P.O., **S.O. three weeks for filing reply.**

Vice Chairman

rsm.

O.A.No.741/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri S.M.Khan, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents 1 & 2. There is a leave note from Shri S.Majid, ld. Counsel for respondent no.3.

2. At the request of ld. P.O., **S.O. four weeks for filing reply.**

Vice Chairman

rsm.

O.A.No.757/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri A.M.Motlag, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. The learned P.O. has filed reply of respondent no.2. It is taken on record. As per his submission, it is sufficient to decide the O.A.. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

4. **S.O. 19.12.2023.**

Vice Chairman

rsm.

O.A.No.840/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri S.K.Bhattacharya, 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. three weeks for filing reply.**

Vice Chairman

rsm.

O.A.No.921/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri S.V.Bhole, 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. four weeks for
filing reply.**

Vice Chairman

rsm.

O.A.No.954/2023 with
O.A.No.963/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri A.Motlog, ld. counsel for the applicants
and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. three weeks
for filing reply.**

Vice Chairman

rsm.

O.A.No.1028/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri S.P.Palshikar, 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. 13.12.2023**
for filing reply.

Vice Chairman

rsm.

O.A.No.676/2023 (S.B.)

(Dhanpal s/o. Sadashiv Lokhande Vs. State of Maharashtra and 5 Others)

Coram:Shri Justice M.G.Giratkar,Vice Chairman

Dated : 20/11/2023.

Heard Shri D.S.Lokhande, applicant in person and Shri M.I.Khan, Id. P.O. for the Respondents 3 to 6. There is a leave note from Shri S.N.Gaikwad, Id. Counsel for the respondents 1 and 2.

2. As per the submission of learned counsel for applicant, the applicant is an employee of the Government of Maharashtra and therefore this O.A. is maintainable. He has submitted that applicant was working with the Zilla Parishad. He has claimed relief against the Zilla Parishad.

3. The learned P.O. submits that as per Section 15 of the Maharashtra Administrative Tribunals Act, 1985, this Tribunal has no jurisdiction to entertain and decide this O.A. because the applicant is not the employee of State Government. He was the employee of Zilla Parishad. He has prayed relief against the Zilla Parishad and not the State Government. Therefore, this O.A. is liable to be dismissed on the ground of jurisdiction.

4. Section 15 is reproduced below-

"15. Jurisdiction, powers and authority of State Administrative Tribunals - (1) Save as otherwise expressly provide in this Act the Administrative Tribunal for a State shall exercise on and from the appointed day all the jurisdiction powers and authority exercisable immediately before that day by all Courts-except the Supreme Court in relation to -

(a) recruitment and matters concerning recruitment to any civil service of the State or to any civil post under the State:

(b) all service matters concerning a person (not being a person referred to in clause (c) of this sub-section or a member person or civilian referred to in clause (b) of sub-section(1) of Section 14 appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any corporation for society owned or controlled by the State Government:

(c) all service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service or post referred to in clause (b) being a person whose services have been placed by any such local or other authority or corporation for society) or other body as is controlled or owned by the State Government at the disposal of the State Government for such appointment.

(2) The State Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities and corporations for societies) controlled or owned by the State Government.

Provided that if the State Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act the Administrative Tribunal for a State shall also exercise on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society] all the jurisdiction powers and authority exercisably immediately before that date by all Courts except the Supreme Court in relation to -

(a) recruitment and matters concerning recruitment to any service or post in connection with the affairs of such local or other authority or corporation [or society] and

(b) all service matters concerning a person (other than a person referred to in clause (b) of sub-section (1) of this section or a member person or civilian referred to in clause (b) of sub section (1) of Section 14) appointed to any service or post in connection with the affairs of such local or other authority or corporation for society and pertaining to the service of such person in connection with such affairs.

(4) For the removal of doubts it is hereby declared that the jurisdiction powers and authority of the Administrative Tribunal for a State shall not extend to or be

exercisable in relation to any matter in relation to which the jurisdiction powers and authority of the Central Administrative Tribunal extends or is exercisable"

5. As per the Section 15, no any notification is issued by the State Government to include the local body i.e. Zilla Parishad to confer the jurisdiction of this Tribunal. Principal Bench, M.A.T. Mumbai in O.A.No.419/2017 passed the following order-

13. It is thus explicit that the employees of Z.P. are not the employees of State Government and in absence of Notification under Section 15(2) of Administrative Tribunals Act, 1985, the Tribunal has no jurisdiction to entertain such dispute. The jurisdiction vests to the Tribunal only where there is a decision of State Government in the form of Notification to confer such jurisdiction to the Tribunal. In other words, issuance of Notification under Section 15(2) of Administrative Tribunals Act, 1985 is condition precedent for the applicability of Sub-Section 3 of Section 15 in the matter of service disputes of employees of local authorities.

14. For the aforesaid reason, inevitable conclusion is that the Tribunal has no jurisdiction and O.A. deserves to be dismissed on the point of jurisdiction. Hence, the order.

ORDER

The Original Application stands dismissed with no order as to costs

6. The Principal Bench, M.A.T. Mumbai has held that when the notification is not issued by the Government to include the local body by conferring the jurisdiction of this Tribunal then this Tribunal cannot entertain the O.A. which is against the Zilla Parishad.

7. The applicant was the employee of Zilla Parishad. As per the prayer clause he is claiming relief against the Zilla Parishad. Hence, this Tribunal has no jurisdiction to entertain and decide the O.A.. **Hence, the O.A. is dismissed with no order as to costs.**

Vice Chairman

rsm.

O.A.No.1231/2023 (S.B.)

(Shri Babarao Laxamanrao Bobade Vs. State of Maharashtra & Others)

Coram:Shri Justice M.G.Giratkar,Vice Chairman

Dated : 20/11/2023.

ORDER

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

2. The learned counsel for the applicant has pointed out the order dated 20.10.2023. By this order, the respondents have directed the applicant to pay the excess amount of Rs.9,38,249/-.

3. The applicant is a retired employee. The applicant was working as a Head Constable. He was a Class – III employee. In view of the decision of the Hon’ble Supreme Court in the case of the **State Of Punjab & Ors vs. Rafiq Masih (White Washer) (reported in 2015) 4 SCC, 334 decided on 18 December, 2014** more particularly in para 12 has given the guidelines as under-

“(12) It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

(1) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”

4. The applicant is a retired employee. He was working as a Class-III employee. Therefore, as per the guidelines given by the Hon’ble Supreme Court in the case of the **State Of Punjab &**

Ors vs. Rafiq Masih (White Washer) (cited supra), the recovery cannot be effected. **Hence, the impugned order dated 20.10.2023 is stayed till the filing of reply.**

5. Issue notice to Respondents, returnable **after four weeks**. 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.

11. **S.O. after four weeks.**

12. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.985/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. **S.O. 11.12.2023.**

Vice Chairman

rsm.

O.A.No.481/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. **S.O. 11.12.2023.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri S.Y.Deopujari, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. **S.O. 18.12.2023.**

Vice Chairman

rsm.

O.A.No.1246/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Sainis, Id.
P.O. for the Respondents.

2. **S.O. 18.12.2023.**

Vice Chairman

rsm.

O.A.No.1242/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

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

2. **S.O. 11.12.2023.**

Vice Chairman

rsm.

O.A.No.551/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

Shri A.P.Sadavarte, 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. 04.12.2023.**

Vice Chairman

rsm.

O.A.No.1236/2023 (S.B.)

(Vilas Z. Chaudhari & Ors. Vs. State of Mah. & Ors.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman

Dated : 20/11/2023.

C.A. 619/2023 -

Heard Shri J.R. Kidilay, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the State.

2. All applicants are having common grievance and common prayer.
3. Looking to the submission, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A.No.1236/2023 -

Heard Shri J.R. Kidilay, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the State.

2. As per the submission of learned counsel for the applicants, respondent no.7 was transferred from Wardha to Gadchiroli on promotion. But he has not joined there. His request was rejected by the Superintending Engineer, P.W.D., Chandrapur. As per the impugned order dated 10/11/2023, the Committee at Nagpur has considered the request of respondent no.7 and transferred him to Wardha.
3. The respondent no.7 is transferred to Wardha, hence all the applicants are not affected by the transfer of respondent no.7.
4. As per the submission of the learned counsel for applicants their request are not considered by the respondents/ authority along with respondent no.7. It is the separate cause of action. The applicants are not affected by the transfer of respondent no.7. **Hence, interim order cannot be granted.**
5. Issue notice to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

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

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

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

S.O. after three weeks.

Vice Chairman

rsm.

O.A.No.153/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

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

2. The learned P.O. has filed reply of respondents 1 to 4. It is taken on record. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

4. **S.O. 18.12.2023.**

Vice Chairman

rsm.

C.P.No.103/2023 in
O.A.No.774/2019 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

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

2. At the request of Id. P.O., **S.O. three weeks
for filing reply.**

Vice Chairman

rsm.

O.A.No.1220/2023 (D.B.)

(Shri Sanjay s/o Wasudeorao Thakre and others Vs. State of Maharashtra)

Coram:Shri Justice M.G.Giratkar,Vice Chairman

Dated : 20/11/2023.

C.A.No.601/2023

Heard Shri S.Y.Deopujari, ld. Counsel for the applicants and Shri S.A. Deo, ld. C.P.O. for the State.

2. All applicants are challenging the communication dated 07.08.2023.
3. Looking to the submission, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A.No.1220/2023

Heard Shri S.Y.Deopujari, ld. Counsel for the applicants and Shri S.A. Deo, ld. C.P.O. for the State.

2. The learned counsel for the applicants submits that the appointment on contractual basis on the post of Principal cannot be filled. It is against the Rules and Regulations.
3. As per the submission of learned C.P.O., the Government of Maharashtra is filling the said post as per the guidelines given by the Central Government. The C.P.O. is directed to produce on record the said guidelines/Scheme.
4. Issue notice to the respondents returnable **after three weeks**. Learned C.P.O. waives notice for respondent no.1. Hamdast allowed.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. 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.
7. 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.

8. 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.

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

S.O. after three weeks.

Vice Chairman

rsm.

O.A.No.1225/2023 (D.B.)

(Harshika S. Tembhurne & Ors. Vs. State of Mah. & Ors.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman

Dated : 20/11/2023.

C.A.No.600/2023

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

2. All applicants are having common grievance and they filed this O.A. for the same relief.
3. Looking to the submission, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A.No.1225/2023 -

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

2. As per the submission of learned counsel for the applicants, all the applicants have filled the form in the reserved category. But they have given to confusion, they have not filled the form in the woman reserved category. As per the submission of learned counsel for applicants, the applicants have secured more marks, but they cannot be appointed, because they are not considered in the woman reserved category.
3. Issue notice to the respondents returnable **after three weeks**. Learned P.O. waives notice for respondent no.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.

S.O. after three weeks.

Vice Chairman

rsm.

O.A.No.1074/2019 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 20/11/2023.**

None for the applicant. Shri S.A.Deo, ld. C.P.O.
for the Respondents.

2. **S.O. 11.12.2023.**

Vice Chairman

rsm.

