

O.A.No.147/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri A.R.Kalele, 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. two weeks for
filing reply as last chance.**

Vice Chairman

rsm.

O.A.No.527/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri P.P.Ramteke, 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 as last chance.**

Vice Chairman

rsm.

O.A.No.958/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri I.N.Choudhari, holding for Shri P.V.Thakre, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents 1 to 4. None for the respondent no.5.

2. The learned counsel for the applicant submits that applicant has filed pursis and wants to withdraw the O.A.. Hence, the **O.A. is disposed of as withdrawn.**

Vice Chairman

rsm.

O.A.st.No.1781/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

C.A.No.312/2022

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

2. **S.O. after four weeks.**

Vice Chairman

rsm.

O.A.No.404/2022 with
O.A.No.513/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicants. Shri V.A.Kulkarni, ld.
P.O. for the Respondents.

2. The learned P.O. has filed reply of
respondents 3, 4 and 5. It is taken on record. The
O.As. are **admitted** and kept for final hearing.

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

4. **S.O. after three weeks.**

Vice Chairman

rsm.

O.A.No.617/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicants. Shri V.A.Kulkarni, ld.
P.O. for the Respondents.

2. The learned P.O. has filed reply of respondents 1, 2 and 3. 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 three weeks.**

Vice Chairman

rsm.

O.A.No.1101/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri I.N.Choudhari, 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. three weeks for filing reply as last chance.**

Vice Chairman

rsm.

O.A.No.525/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

C.A.No.229/2023 in M.C.A.No.20/2023

None for the applicant. Shri A.M.Khadatkar,
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.220/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri S.M.Khan, ld. counsel for the applicant,
Shri H.K.Pande, ld. P.O. for the Respondents 1 & 2
and Shri G.Bhajbuje appearing for Shri S.M.Bhangde,
ld. Counsel for the respondent no.3.

2. The learned P.O. has filed reply of
respondent no.2. It is taken on record.

3. The learned counsel for the respondent no.3
seeks time to file reply.

4. **S.O.11.12.2023.**

Vice Chairman

rsm.

O.A.No.512/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

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

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

Vice Chairman

rsm.

O.A.No.564/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri B.Shende, ld. counsel for the applicant,
Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3, 5 &
6 and Ms.L.Y.Mallewar, ld. Counsel for the
respondent no.4.

2. At the request of ld. P.O., **S.O. 04.12.2023**
for filing reply as last chance.

3. Put up this matter before the same Bench
i.e. Member (J) Shri M.A.Lovekar.

Vice Chairman

rsm.

O.A.No.732/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicant. Shri H.K.Pande, 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.942/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

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

2. Reply of respondent no.3 is filed on record.
3. The learned P.O. seeks time to file reply of respondents 1 and 2. Time is granted as last chance.
4. Put up this matter before the same Bench i.e. Member (J) Shri M.A.Lovekar.
5. **S.O. 14.12.2023.**

Vice Chairman

rsm.

O.A.No.984/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri V.B.Gawali, 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. three weeks
for filing reply as last chance.**

Vice Chairman

rsm.

O.A.No.1140/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri S.P.Palshikar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3. None for the respondent no.4.

2. At the request of ld. P.O., **S.O. 14.12.2023**
for filing reply.

Vice Chairman

rsm.

O.A.No.1160/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri V.Awchat, ld. counsel for the applicant
and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3.
None for the respondent no.4.

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

Vice Chairman

rsm.

O.A.No.1069/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicant. Shri M.I.Khan, ld. P.O.
for the Respondents.

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

Vice Chairman

rsm.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.

Heard Shri P.N.Warjekar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. As per the submission of learned counsel for the applicant, applicant is challenging the seniority list dated 01.01.2023. Therefore, the O.A. is within limitation.

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

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

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

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

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

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

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

Vice Chairman

rsm.

O.A.No.1241/2023 (S.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.

Heard Shri R.M.Fating, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. The learned counsel for the applicant has pointed out the G.R. dated 18.10.2022. The Government has taken following decision-

शासन निर्णय :-

राज्य शासकीय कर्मचाऱ्यांना विहित नियमित सेवेनंतर लागू करावयाची कालबद्ध पदोन्नती / सेवांतर्गत आशवासित प्रगती योजना स्थापत्य अभियांत्रिकी सहाय्यक संवर्गास लागू करताना मा. सर्वोच्च न्यायालयाच्या उपरोक्त न्याय निर्णयानुसार पुढील प्रमाणे कार्यवाही करावी :-

(१) मा. सर्वोच्च न्यायालयाच्या निर्णयाची अंमलबजावणी करण्याच्या दृष्टीने जलसंपदा विभागातील स्थापत्य अभियांत्रिकी सहाय्यक संवर्गातील कर्मचारी, या पदावरील समावेशनाच्या दिनांकापासून १२ वर्षांचा कालावधी पूर्ण केल्यावर पहिल्या कालबद्ध पदोन्नती योजनेचा लाभ घेण्यास पात्र राहतील. मा. सर्वोच्च न्यायालयाच्या सदर न्यायनिर्णयाच्या अंमलबजावणीसाठी आणि मा.न्यायाधिकरण, औरंगाबाद खंडपीठ येथे दाखल मूळ अर्ज क्र.६१७/२०१४ मधील निर्देश लक्षात घेऊन, संदर्भाधीन शासन पत्रे, दि.१८.०३.१९९८, दि.१८.०६.१९९८ व दि.१९.०५.२०१४ याद्वारे अधिक्रमित करण्यात येत आहेत.

(२) मा. सर्वोच्च न्यायालयाच्या सदर न्यायनिर्णयानुसार सुधारित वेतन निश्चिती आणि सेवानिवृत्ती वेतन निश्चिती करावी, अशाप्रकारे सुधारित वेतन व निवृत्ती वेतन निश्चिती केल्यानंतर त्यांचेकडून यापूर्वी अदा केलेल्या रकमेपोटी कोणत्याही प्रकारची अतिप्रदानाची वसुली करण्यात येऊ नये.

(३) स्थापत्य अभियांत्रिकी सहायकांना कालबद्ध पदोन्नती / सेवांतर्गत आशवासित प्रगती योजनेचा लाभ देताना यापुढे मा. सर्वोच्च न्यायालयाच्या सदर न्याय निर्णयानुसार काटेकोरपणे तपासणी करावी, तसेच अतिप्रदान होणार नाही याची दक्षता घ्यावी. तसेच कालबद्ध पदोन्नती / सेवांतर्गत आशवासित प्रगती योजनेबाबत वित्त विभागाने वेळोवेळी निर्गमित केलेले शासन निर्णय देखील लागू राहतील.

3. The learned counsel for the applicant has pointed out the letter dated 10.07.2023 issued by A.G. office.

4. As per the letter of A.G., no any recovery was shown by the department while submitting authority letter. As per the G.R. dated 18.10.2022, the amount of time bound promotion which was paid to the employees of Irrigation Department. As per the direction given by the Supreme Court in Civil Application No.1985/2022 decided on 21.03.2022, the excess amount shall not be recovered. The applicant is retired on 31.03.2016. **Hence, the recovery dated 17.05.2023 is hereby stayed till the filing of reply.**
5. Issue notice to Respondents, returnable **after four weeks**. Learned 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. after four weeks.**
12. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.773/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri , ld. counsel for the applicant and Shri ,
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.268/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

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

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

Vice Chairman

rsm.

O.A.No.44/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri A.Joshi holding for Shri S.N.Gaikwad, ld.
counsel for the applicant and Shri M.I.Khan, ld. P.O.
for the Respondents.

2. At the request of ld. Counsel for the
applicant, **S.O. 19.12.2023.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri P.Ramteke, ld. counsel for the applicant
and Shri M.I.Khan, ld. P.O. for the Respondents 1 & 2.
None for the respondent no.3.

2. At the request of ld. P.O., **S.O. 19.12.2023.**

Vice Chairman

rsm.

O.A.No.1141/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri S.K.Bhattacharya holding for Shri N.S.Warulkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 19.12.2023.**

Vice Chairman

rsm.

O.A.No.36/2022 with
C.A.No.322/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Ms.R.Gosawi holding for Shri G.N.Khazode,
ld. counsel for the applicant and Shri M.I.Khan, ld.
P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. 15.12.2023.**

Vice Chairman

rsm.

O.A.No.258/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicant. Shri M.I.Khan, ld. P.O.
for the Respondents.

2. **S.O. three weeks.**

Vice Chairman

rsm.

O.A.No.382/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicant. Shri M.I.Khan, ld. P.O.
for the Respondents.

2. **S.O. three weeks.**

Vice Chairman

rsm.

O.A.No.704/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

None for the applicant. Shri M.I.Khan, ld. P.O.
for the Respondents.

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

Vice Chairman

rsm.

O.A.No.743/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Ms.A.Agrawal holding for Shri L.G.Sagdeo, 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. 18.12.2023.**

Vice Chairman

rsm.

O.A.No.1178/2022 with
O.A.No.1179/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Ms.N.S.Pathan, ld. counsel for the applicant
and Shri M.I.Khan, ld. P.O. for the Respondents.

2. **S.O. 28.11.2023.**

Vice Chairman

rsm.

O.A.No.152/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri S.M.Khan, ld. counsel for the applicant,
Shri M.I.Khan, ld. P.O. for the Respondents 1 & 2 and
Shri L.Mallewar, ld. Counsel for the respondent no.3.

2. The learned P.O. has filed reply of
respondent no.1. It is taken on record.

3. At the request of ld. Counsel for the
applicant, **S.O. 14.12.2023.**

Vice Chairman

rsm.

O.A.No.163/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Ms.N.S.Pathan, ld. counsel for the applicant
and Shri M.I.Khan, ld. P.O. for the Respondents.

2. **S.O. 30.11.2023.**

Vice Chairman

rsm.

O.A.No.330/2023 with
O.A.No.646/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri D.S.Sawarkar and Shri S.M.Khan, ld.
counsel for the applicants and Shri M.I.Khan, ld. P.O.
for the Respondents.

2. At the request of ld. Counsel for the
applicant, **S.O. 14.12.2023.**

Vice Chairman

rsm.

O.A.No.1244/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

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

2. The learned counsel for the applicant has pointed out the impugned transfer order dated 25.05.2023 (P.21) by which the applicant is transferred from Korchi to Sironcha. The applicant was transferred to Korchi in the year 2019. He was given additional charge of Sub-Division Dhanora after the retirement of one Shri Jawahar Mahadeorao Fating. The Chief Executive Officer, Zilla Parishad, Gadchiroli by letter dated 30.06.2023 requested respondent no.1 to cancel the transfer of the applicant by which he was transfer to Sironcha. The respondent without considering the said letter / proposal of Chief Executive Officer, Zilla Parishad, Gadchiroli issued letter dated 20.11.2023 by which the applicant is directed to join at Sironcha. Hence, departmental enquiry initiated against him.

3. The learned counsel for the applicant has submitted that transfer order dated 25.05.2023 was not implemented and Zilla Parishad, Gadchiroli has not relieved him but now in the mid-term the respondent no.1 is directed to the applicant to join on the said post.

4. As per the proposal of Chief Executive Officer, Zilla Parishad, Gadchiroli, the applicant is holding additional charge of Sub-Division, Dhanora in addition to his own duty at Korachi. Therefore, he was not relieved and his service is required at Korachi and Dhanora. **Looking to the proposal of Chief Executive Officer, Zilla Parishad, Gadchiroli, the impugned letter dated 20.11.2023 is stayed till the next date.**

5. Issue notice to Respondents, returnable **after three weeks**. Learned 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. after three weeks.**

12. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.1180/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

Shri G.K.Bhusari, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

Vice Chairman

rsm.

O.A.No.181/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

C.A.No.547/2023 in C.P.No.72/2022

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

2. At the request of ld. P.O., **S.O. 07.12.2023**
for filing reply on C.A..

Vice Chairman

rsm.

O.A.No.1242/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.**

C.A.No.623/2023

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

2. All applicants are claiming common relief. Hence, filing of Jt. O.A. is allowed. C.A. is disposed of.

O.A.No.1242/2023

3. Issue notice to Respondents, returnable on **29.11.2023**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

Applicant is directed to file Affidavit of compliance and notice.

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

9. **S.O. 29.11.2023.**

Vice Chairman

rsm.

Rev.A.No.05/2023 in
O.A.No.197/2018 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 23/11/2023.

Heard Shri A.Joshi holding for Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. The learned counsel for the applicant submits that as per instructions received by applicant, the applicant wants to withdraw this Review Application.

3. The learned counsel for the applicant has already filed pursis dated 06.11.2023 and stated in the pursis that applicant is not willing to prosecute review application and, therefore, he wants to withdraw the same. **Hence, the review application is disposed of as withdrawn.**

Vice Chairman

rsm.