

O.A.No.538/2020. (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.

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

2. Learned P.O. has filed reply on behalf of the respondents. Copy is supplied to the learned counsel for the applicant. 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.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.630/2021. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Learned P.O. has filed reply of respondents 2 and 3. It is taken on record. Copy is served to the learned counsel for the applicant. It is stated to be sufficient. The O.A. is **admitted** and kept for final hearing.

3. **S.O. after four weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.994/2021. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Shri D.M.Kakani, ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the State. Await service to respondents 2 and 3.

2. On oral request of learned counsel for the applicant, **S.O. two weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.212/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

C.A.No.109/2023

Heard Ms. M.P.Munshi, ld. counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the respondents 1 to 4, 9 & 10. None for the respondents 5, 6, 7 and 8.

2. Learned counsel for the applicant has filed C.A.No.109/2023. C.A. is allowed and disposed of. Early hearing is granted.

3. **S.O. 15.03.2023.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.507/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

C.A.No.113/2023

Heard Shri S.U.Nemade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

**Member(J)
Date:-28/02/2023.
rsm.**

Vice Chairman

O.A.No.693/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. On oral request of learned P.O., **S.O.**
four weeks for filing reply.

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.919/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Reply of respondent no.2 filed by learned P.O. It is taken on record. Copy is served to the other side. 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.**

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

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.966/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. On oral request of learned P.O., **S.O.**
four weeks for filing reply.

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.969/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.971/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Learned P.O. submits that he will file reply till next date, if reply is not filed matter will be heard finally on its own merits.

3. **S.O. three weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.1010/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard S.V.Kolhe, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the respondents 1 to 3 and Shri H.D.Marathe, ld. Counsel for the respondent no.2.

2. Reply of respondent no.2 is awaited. Learned counsel for the respondent no.2 desires two weeks time to file reply.

3. **S.O. two weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.1048/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

None for the applicant. Heard Shri V.A.Kulkarni, Id. P.O. for the respondents and Shri S.A.Marathe, Id. Counsel for the respondent no.5.

2. On perused record it shows that none appeared on behalf of the applicant for last 4 dates. In view of this O.A. is dismissed in default.

**Member(J)
Date:-28/02/2023.
rsm.**

Vice Chairman

O.A.No.1083/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Reply of respondents 3 and 4 filed by learned P.O.. It is taken on record. As pointed out by learned counsel for the applicant, reply of respondent no.1 is necessary.
3. Learned P.O. is directed to file reply of respondent no.1.
4. **S.O. three weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.126/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

C.A.No.517/2022 in C.P.No.37/2022

Heard Shri R.M.Halde, applicant in person, Shri V.A.Kulkarni, ld. P.O. for the respondents 1 & 3 and Shri B.N.Jaipurkar, ld. Counsel for the respondents 2 & 4.

2. Review application was allowed in this case and Review application O.A. was dismissed. Hence, Contempt Petition does not survive. C.P. is disposed of and C.A. is also disposed of.

**Member(J)
Date:-28/02/2023.
rsm.**

Vice Chairman

O.A.No.54/2023. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Smt.S.W.Deshpande, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri R.Waghmare for intervenor, Adv.A.Uikey, ld. Counsel for the respondent no.5.

2. Learned counsel for the applicant desires to carry out the amendment. She is permitted to carry out amendment within one week.

3. Learned counsel for the respondent no.5 desires two weeks for filing reply.

4. Learned counsel for the respondent no.5 is granted two weeks for filing reply as last chance, if reply is not filed matter will be heard on its own merits.

5. **S.O. two weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.151/2023. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. On oral request of learned P.O., **S.O. four weeks for filing reply.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.175/2023. (D.B.)

**Coram : Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Shri J.S.Deshmukh, ld. counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the respondents.

2. It is the contention of the applicant that his case is squarely covered by judgment dated 04.01.2022 passed by the Principal Bench of this Tribunal in a batch of three Original Applications. It is pointed out that the applicant was one of the applicants in the proceeding before the Principal Bench. His name features at Sr.No.1 in O.A.No.682 of 2013.

3. The applicant is specifically relying on Clause (b) of operative part of the order dated 04.01.2022. It reads as under-

The Original Applications are partly allowed.

- (a) All the Applicants who are District Technical Service Medical Officers, placed in Group-B by virtue of G.R. dated 17.10.2014 with retrospective effect from 28.05.2001 are eligible and entitled to recruitment to Group-A from the date of the G.R. dated 18.07.2013 when the Rules were amended. Thus, they are recruited in Group-A from 18.07.2013 with all consequential benefits.**
- (b) The applicants are entitled to pay scale in the pay band of Rs.15600-39100 with grade pay of Rs.5400, with effect from 18.07.2013.**

4. In the O.A. the applicant is seeking order of status-quo as on today.
5. It is his submission that if he is not protected by this Tribunal by an appropriate order today, he would stand retired.
6. A statement is made at the bar that judgment and order of the Principal Bench dated 04.01.2022 has not been challenged in the Hon'ble High Court.
7. In reply it is submitted by learned C.P.O. that even if Interim Order is not passed today and subsequently the applicant is found entitled to final relief, his grievance would stand fully redressed.
8. Having considered rival submissions in the light of what is held in the judgment and order dated 04.01.2022 by the Principal Bench, we have come to the conclusion that an order of status-quo till the returnable date deserves to be passed.
9. The respondents are directed to maintain status-quo as on today. This order shall subsist till returnable date i.e. 20.03.2023.
10. **S.O. 20.03.2023.**
11. **Steno copy is granted..**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.772/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Shri O.D.Kakade, ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State.

2. Issue notice to the respondents, returnable **after four weeks**. Learned 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. after four weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.187/2023. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Issue notice to the respondents, returnable **after four weeks**. Learned 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. after four weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.190/2023. (D.B.)

**Coram: ShriShree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Issue notice to the respondents, returnable **after four weeks**. Learned 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. after four weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.197/2023. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Issue notice to the respondents, returnable **after four weeks**. Learned 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. after four weeks.**

9. Meanwhile, respondents are directed not to take any coercive action.

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

C.P.No.14/2023 in O.A.No.380/2022.(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

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

3. The learned P.O. waives notice for State. Hamdast granted.

4. **S.O. after two weeks.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.728/2021. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. **Closed for Orders.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.838/2021. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Smt. S.W.Deshpande, ld. counsel for the applicant, Shri H.K.Pande, the ld. P.O. for the respondents 1 to 4 & 11 and Miss. A.A.Pande, ld. Counsel for the respondents 5 to 10.

2. Learned counsel for the applicant has filed C.A.No.115/2023 along with document at Annexure A-20. It shows that applicant has not been paid anything for the month of June 2021, July 2021 and September 2021.

3. Learned P.O. submits that the applicant was under suspension. Even if he was under suspension subsistence allowance must have been paid. Learned P.O. should take instructions and submit on 13.03.2023.

4. **S.O. 13.03.2023.**

**Member(J)
Date:-28/02/2023.
rsm.**

Vice Chairman

O.A.No.318/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Shri D.S.Sawarkar, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 3 and Shri K.S.Motwani ld. Counsel for the respondent no.4.

2. Learned P.O. for respondents 1 to 3 and learned counsel for respondent no.4 submit that they have not received full set of the documents on which the applicant is relying.

3. Learned counsel for the applicant shall supply complete set of the documents on which he is relying.

4. **Matter be treated as Part Heard.**

5. **S.O. 17.03.2023.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.777/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Shri K.S.Motwani, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 3 and Shri D.S.Sawarkar, ld. Counsel for the respondent no.4.

2. Learned P.O. for respondents 1 to 3 and learned counsel for respondent no.4 submit that they have not received full set of the documents on which the applicant is relying.

3. Learned counsel for the applicant shall supply complete set of the documents on which he is relying.

4. **Matter be treated as Part Heard.**

5. **S.O. 17.03.2023.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.577/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. **S.O.15.03.2023.**

**Member(J)
Date:-28/02/2023.
rsm.**

Vice Chairman

O.A.No.906/2020.

(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. Perused C.A.No.116/2023. The same is allowed. Amendment shall be carried out forthwith.

3. Reply of respondent no.3 filed by learned P.O. It is taken on record.

4. **Closed for Orders.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.20/2021

with

O.A.No.185/2021.(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)**

Dated : 28/02/2023.

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

2. Reply of respondent no.3 filed by learned P.O. It is taken on record.

3. **Closed for Orders.**

Member(J)

Date:-28/02/2023.

rsm.

Vice Chairman

O.A.No.973/2020. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. **S.O. 14.03.2023.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.1041/2021. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

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

2. **S.O. next week.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.1087/2021. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Shri P.J.Mehta, ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents 1 to 4 and Shri S.P.Palshikar, ld. Counsel for the respondent no.5.

2. Learned counsel for the applicant desires one week time to file rejoinder.

3. **S.O. one week.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.545/2022

with

C.A.No.216/2022.(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)**

Dated : 28/02/2023.

Heard Adv.Moon, holding for Shri A.B.Moon, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents 1 to 3 and Shri P.S.Agrawal, ld. Counsel for the respondent no.4.

2. On oral request of learned counsel,

S.O.03.03.2023.

Member(J)

Date:-28/02/2023.

rsm.

Vice Chairman

O.A.No.568/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)
Dated : 28/02/2023.**

Heard Adv. Moon, holding for Shri A.B.Moon, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents 1 to3 and Shri P.S.Agrawal, ld. Counsel for the respondent no.4.

2. On oral request of learned counsel,
S.O.03.03.2023.

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.1133/2022. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri M.A.Lovekar, Member(J)**

Dated : 28/02/2023.

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

2. Learned counsel for the applicant has filed list of documents and map of Scheduled Area of Maharashtra. He has also filed the typed copy of the Gazette of India Notification dated 02.12.1985 in which according to him at Sr.No.46 Sarkhani village appears and further he has also pointed out the documents at page no.222, Annexure A-31 where it is bifurcated by Sarkhani to Salaiguda. However, the Notification filed by the respondents at Sr.No.46 there was some other village appears. On Sr.No.46 their substitution is not produced properly and name of village appears to be different.

3. In view of this discrepancy ld. P.O. is directed to take following instructions from the Additional Tribal Commissioner Nagpur or the Tribal Commissioner Amravati.

1] Whether Kinwat Taluka is covered under the scheduled area or not ?

2] Whether bifurcation of villages is as per 1985 Notification of Scheduled Area/Tribal area or not ?

3] Whether list of villages which has been notify under PESA or not ?

These three documents are required to be filed.

4. Learned P.O. is directed to file reply in two weeks.
5. **S.O. two weeks.**
6. **Steno copy is granted.**

Member(J)
Date:-28/02/2023.
rsm.

Vice Chairman

O.A.No.944/2022 (S.B.)

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

Dated : 28/02/2023.

C.A.No.57/2023

Heard Shri S.P.Bhandarkar, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 3 and Shri N.B.Kalwaghe, ld. Counsel for the respondent no.4 (Caveator).

2. Perused contents of the application.

3. By this application the applicant is seeking some additional reliefs 2(a) and 2(b). It is the submission of the applicant that these reliefs have become necessary by virtue of subsequent developments.

4. The application is resisted by the respondents on the ground that the same has been moved belatedly and for delay in making the application no reasons no grounds whatsoever is set out therein.

5. After considering rival submissions, I have come to the conclusion that to decide the matter fully and finally it is necessary to grant amendment.

6. C.A. is allowed. The applicant shall carry out the amendment within two days from today.

7. Learned counsel for the applicant shall supply the copy of amended O.A. to the respondents.

8. **S.O. 08.03.2023.**

Member (I).

rsm.