

O.A. No.157/2022 (S.B.)

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

Dated : 11/08/2023.

Shri N.D. Thombre, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 24/8/2023**
High on board.

Vice Chairman

dnk.

O.A. No.163/2021 (S.B.)

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

Dated : 11/08/2023.

Shri N.D. Thombre, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

2. The learned counsel for applicant has filed copy of Judgment of this Tribunal in O.A. 417/2022.

S.O. 24/8/2023 (PH).

Vice Chairman

dnk.

O.A. No.491/2022 (S.B.)

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

Dated : 11/08/2023.

Shri S.D. Chande, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 31/8/2023.**

Vice Chairman

dnk.

O.A. No.677/2021 (S.B.)

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

Dated : 11/08/2023.

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

At the request of Id. P.O., **S.O.**
01/09/2023.

Vice Chairman

dnk.

O.A. No.247/2022 (S.B.)

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

Dated : 11/08/2023.

Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 24/8/2023.**

Vice Chairman

dnk.

O.A. No.431/2022 (S.B.)

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

Dated : 11/08/2023.

Shri N.R. Saboo, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondent nos.1 and 2. None for R-3.

With the consent of learned counsel for both the parties, **S.O. 23/8/2023.**

Vice Chairman

dnk.

O.A. No.509/2022 (S.B.)

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

Dated : 11/08/2023.

Shri N.R. Saboo, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondent.

With the consent of learned counsel for both the parties, **S.O. 23/8/2023.**

Vice Chairman

dnk.

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

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

Dated : 11/08/2023.

Shri A.A. Mardikar, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 24/8/2023.**

Vice Chairman

dnk.

O.A. No.57/2023 (S.B.)

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

Dated : 11/08/2023.

Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 22/8/2023.**

Vice Chairman

dnk.

O.As. 536 to 538 of 2023 (S.B.)

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

Dated : 11/08/2023.

Shri Bharat Kulkarni, Id. Counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for respondents.

S.O. 24/8/2023.

Vice Chairman

dnk.

MCA 19/23 & 18/23 in O.A.762/19 (D.B.)

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

Dated : 11/08/2023.

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

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

Vice Chairman

dnk.

O.A.77/2022 (D.B.)

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

Dated : 11/08/2023.

Shri S.N. Gaikwad, Id. Counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. The Id. Counsel for applicant submits that the respondents are served and he will file service affidavit.

S.O. three weeks.

Vice Chairman

dnk.

O.A.340/2022 (D.B.)

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

Dated : 11/08/2023.

Shri N.R .Saboo, Id. Counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A.771/2022 (D.B.)

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

Dated : 11/08/2023.

Shri M.R. Khan, Id. Counsel for applicant
and Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. two
weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A.04/2023 (D.B.)

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

Dated : 11/08/2023.

Shri N.R .Saboo, Id. Counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for other respondents.

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

Vice Chairman

dnk.

O.A.144/2023 (D.B.)

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

Dated : 11/08/2023.

Smt. A.D. Kolhe, Id. Counsel for
applicant and Shri V.A. Kulkarni, Id. P.O. for
State.

Await service of R-1,3 and 4.

S.O. 1/9/2023 for filing service affidavit.

Vice Chairman

dnk.

C.A. 385/2023 in O.A.340/2023 (D.B.)

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

Dated : 11/08/2023.

Heard Shri S.M. Khan, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. The learned counsel for applicants has filed the Chart showing the sanctioned posts / vacant posts which are to be filled by direct recruitment and some of the posts are to be filled by promotion. It is taken on record and marked Exh-X for identification.

S.O. 18/8/2023.

Vice Chairman

dnk.

O.A.417/2023 (D.B.)

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

Dated : 11/08/2023.

Shri P.N. Warjurkar, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. two weeks for filing service affidavit.

Vice Chairman

dnk.

O.A.442/2022 (D.B.)

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

Dated : 11/08/2023.

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

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

Vice Chairman

dnk.

O.A.453/2023 (D.B.)

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

Dated : 11/08/2023.

Shri P.J. Mehta, Id. Counsel for applicant
and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A.705/2023 (D.B.)

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

Dated : 11/08/2023.

Shri A.S. Deshpande, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondent no.1. Await service of R-2.

2. Interim relief was granted in this matter, but the applicant has not filed service affidavit of R-2.

3. The applicant is directed to serve respondent no.2 and file service affidavit positively before the next date. It is made clear that if the service affidavit is not filed on the next date, the interim relief will be vacated.

S.O. after three weeks.

Vice Chairman

dnk.

O.A.744/2023 (D.B.)

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

Dated : 11/08/2023.

Shri R.V. Shiralkar, Id. Counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

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

Vice Chairman

dnk.

O.A.751/2023 (D.B.)

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

Dated : 11/08/2023.

N.S. Pathan, Id. Counsel for applicant
and Shri V.A. Kulkarni, Id. P.O. for R-1. Await
service of R-2&3.

At the request of Id. Counsel for
applicant, **S.O. 24/8/2023** for filing service
affidavit.

Vice Chairman

dnk.

C.P. 40/23 in O.A.752/21 (D.B.)

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

Dated : 11/08/2023.

S.V. Kulkarni, Id. Counsel for applicant
and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A.284/2023 (D.B.)

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

Dated : 11/08/2023.

Ms. S.R. Buddhe, Id. Counsel holding for
Shri G.N. Shinde, Id. Counsel for applicant and
Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for
R-5.

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

Vice Chairman

dnk.

O.A.908/2019 (D.B.)

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

Dated : 11/08/2023.

Shri N.R .Saboo, Id. Counsel for applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri N.C. Majethiya, Id. Counsel for R-3.

Shri N.C. Majethiya, Id. Counsel has filed affidavit on behalf of R-3. It is taken on record.

S.O. 31/8/2023.

Vice Chairman

dnk.

O.A.874/2023 (D.B.)

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

Dated : 11/08/2023.

Heard Shri P.P. Kotwal, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondents.

2. The learned P.O. files reply of R-2. It is taken on record.

3. The learned counsel for applicant has filed written notes of arguments. It is taken on record and copy is supplied to the P.O.

4. By consent of learned counsel for both the sides, **S.O. 17/8/2023.**

Vice Chairman

dnk.

O.A.910/2023 (D.B.)

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

Dated : 11/08/2023.

Heard Shri V.B. Wagh, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The applicant is a Doctor. As per the submission of learned counsel for the applicant, as per the G.R./ Notification dated 23/2/2022 the age of retirement of Doctor was extended upto 60 years. But, in the last line of the said G.R., it is mentioned that said extension is upto 31/05/2023. Similarly situated employees approached to the M.A.T., Principal Bench, Mumbai and M.A.T., Bench at Aurangabad. He has pointed out the order passed by the M.A.T., Aurangabad Bench dated 20/07/2023. The applicant is already retired.

3. The M.A.T., Principal Bench, Mumbai and M.A.T., Bench at Aurangabad and this Tribunal also granted the interim relief in the cases in which the employees approached before the date of retirement. In the present matter, the applicant is already retired on 31/7/2023. This O.A. is filed on 9/8/2023 i.e. after the date of retirement of applicant. Therefore, interim relief cannot be granted.

4. Issue notice to the respondents returnable **15/09/2023**. Learned P.O. waives notice for State. 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. 15/09/2023.

Vice Chairman

dnk.

O.A.632/2017 (D.B.)

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

Dated : 11/08/2023.

Shri P. Mahalle, Id. Counsel for applicant
and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. Counsel for
applicant, **S.O. after four weeks.**

Vice Chairman

dnk.

O.A.228/2022 (D.B.)

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

Dated : 11/08/2023.

Shri N.R. Saboo, Id. Counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

The matter be kept as and when regular D.B. is available.

Vice Chairman

dnk.

O.A.838/21 with C.A. 115/23 (D.B.)

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

Dated : 11/08/2023.

Shri A.P. Khadatkar, Id. Counsel for applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4 & 11 and Ms. A.A. Pande, Id. Counsel for R-5 to 10.

At the request of Id. Counsel for applicant, **S.O. after four weeks** for filing rejoinder.

Vice Chairman

dnk.

**

O.A.No.917/2023 (D.B.)

(Dr. Anil J. Rudey Vs. State of Mah. & Ors.)

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

Dated : 11/08/2023.

ORDER

Heard Mrs. R.S. Sirpurkar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

2. As per the submission of learned counsel for the applicant, the applicant is working as a Medical Officer at Hospital Training Center, Gadchiroli. He appeared in the written examination as per the advertisement for the post of Deputy Director of Health Services. The advertisement is dated 8/10/2021. The applicant has cleared the written examination, but his name is not shown in the eligible candidates list. His name is shown in the list of not eligible candidates. The reason is given that he is a retired employee. Therefore, the applicant has approached to this Tribunal.

3. It is submitted by the learned counsel for applicant Mrs. R.S. Sirpurkar that the applicant was to retire on or before 31/05/2023, but he approached to the M.A.T. and order was passed to continue him in the service. The Government of Maharashtra as per the order dated 4/8/2023 (P-30) continued the services of the applicant as a Medical Officer at Hospital Training Center, Gadchiroli. At present the applicant is in service. **Showing the name of applicant in the list of not eligible candidates on the ground that he is a retired employee appears to be not proper.**

4. Heard learned P.O. Shri M.I. Khan. As per his submission, the representation of the applicant is pending before the M.P.S.C., i.e., respondent no.2 and it is likely to be decided before 17/8/2023.

5. The learned counsel for the applicant has submitted that if the representation is not decided in favour of the applicant before 17/8/2023, then he will loose his chance to appear in the interview. As per the submission of learned counsel for the applicant, the applicant is

eligible to appear in the interview. He has passed the written examination. The learned counsel for applicant has also pointed out advertisement 8/10/2021. As per the Clause no.3.2.2 of the advertisement, the age limit is not applicable to the State Govt. employee. Therefore, the age of applicant cannot be a ground to deny him to appear in the interview.

6. From the perusal of documents, it is clear that this Tribunal has directed the respondents not to relieve the applicant on 31/5/2023, therefore, he is in the employment. Interim order is continued till date. The similarly situated employees approached to the M.A.T., Principal Bench, Mumbai and M.A.T., Bench at Aurangabad. As per the direction by the Tribunal, the Government of Maharashtra has issued order dated 4/8/2023 thereby the services of the applicant and other similarly situated employees are continued.

7. As per the order dated 4/8/2023 issued by the Govt. of Maharashtra, the applicant is in service till date. Therefore, rejection / denial of the decision to appear in the personal interview on the ground that the applicant is a retired employee appears to be not proper.

8. **Hence, interim relief is granted. The MPSC, i.e., respondent no.2 is directed to issue interview call to the applicant and allow him for interview to be held from 17/8/2023.**

9. **The result of the applicant be kept in sealed envelope and that will be subject to the decision of O.A.No.475/2023 and this O.A.**

10. Issue notice to the respondents returnable 23/08/2023. Learned P.O. waives notice for State. Hamdast allowed.

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

12. 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.

13. 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.

14. 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.

15. 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. 23/08/2023.

Steno copy is granted.

Vice Chairman

dnk.*

O.A.No.748/2021 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents. Await service of R-2 to 5.

2. Ld. counsel for the applicant states that the respondents are served.

3. On oral request of Id. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

R.A.No.12/2022inO.A.No.468/2017 (S.B.)

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

Dated : 11/08/2023.

Heard Shri R.V.Shiralkar, Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the Respondents and Shri N.S.Khandewale, Id. Counsel for the respondent no. 3.

2. On oral request of Id. P.O. as well as Id. counsel for the respondent no. 3, **S.O. two weeks to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.816/2022 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, 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. three weeks to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.934/2022 (S.B.)

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

Dated : 11/08/2023.

Heard Shri N.R.Saboo, 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. three weeks to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.1188/2022 (S.B.)

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

Dated : 11/08/2023.

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

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

5. **S.O. 02nd week of September, 2023.**

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

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.303/2023 (S.B.)

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

Dated : 11/08/2023.

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

2. On oral request of Id. P.O., **S.O. four weeks to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.481/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. With pursis dated 04.08.2023 representation dated 19.07.2023 is filed. It is submitted on behalf of the applicant that respondent no. 2 be directed to decide said representation within 3 weeks from today. Respondent no. 2 shall decide the representation within three weeks from today. In view of these directions it is submitted on behalf of the applicant that the O.A. be disposed of.

3. Hence, **O.A. is disposed of with no order as to costs.**

4. **Steno copy is granted.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.586/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri A.A.Choube, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. Ld. P.O. seeks time till 21.08.2023 to both reply. He submits that on 21.08.2023 he will positively filed reply.

3. The applicant has placed on record communication dated 08.08.2023 which shows that till that point of time the applicant was not relieved. It is submitted that till the returnable date the applicant be directed not to be relieved.

4. Ld. P.O. submits that the letter relied upon by the applicant is dated 08.08.2023 and he has no instructions whether in the meantime the applicant is relieved or not.

5. Considering rival submissions the applicant, if he is not relieved, shall not be relieved till 21.08.2023.

6. **S.O. 21.08.2023.**

7. **Steno copy is granted.**

Member (J)

Date:- 11/08/2023.
aps.

O.A.No.651/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 11/08/2023.

Heard Shri J.S.Wankhede, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 22.08.2023 to file reply.**

3. **Ld. P.O. shall make a statement on the next date whether representation of the applicant has been decided.**

Member (J)

Date:- 11/08/2023.
aps.

O.A.Nos.682,683,684,685,687,688,689,690,691

**,692,694,695,696,697,698,699,700,701,702,
703, 716,717&790/2023 (S.B.)**

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

Dated : 11/08/2023.

Heard Shri N.R.Saboo, Id. counsel for the applicants and Shri A.M.Ghogre, Id. P.O. for the Respondents. Await service of R-2 to 4 in O.A. No. 790/2023.

2. Ld. Counsel for the applicant submits that he will file service affidavit in O.A. No. 790/2023 on returnable date.

3. It is submitted by Id. P.O. that a batch of identical matters will be heard by Aurangabad Bench of this Tribunal on 28.08.2023. He submits that therefore batch of O.As. is before this Bench be kept on 08.09.2023.

4. **S.O. 08.09.2023.**

5. **Interim order to continue till the returnable date.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.729/2023 (S.B.)

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

Dated : 11/08/2023.

There is a leave note of Id. Counsel for the applicant. Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 28.08.2023 to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.780/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri D.P.Dapurkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents. Await service of R-2 to 4.

2. Ld. Counsel for the applicant states that the respondents are served. He further placed on record additional affidavit which states that earlier representation of the applicant is rejected and on 07.08.2023 he has made another representation which is pending.

3. Ld. P.O. seeks time to file reply, **S.O. 21.08.2023.**

4. On 21.08.2023 reply shall be positively filed whereupon the O.A. will be heard finally.

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.878/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. Await service of R-2 to 4.

2. Ld. Counsel for the applicant states that the respondents are served and service affidavit is filed. It is the submission of Id. Counsel for the applicant that if before the returnable date someone is posted on the post held by the applicant, he would be in a hanging position.

3. Ld. P.O. states that he has no instructions.

4. Ld. Counsel for the applicant states that by order dated 04.08.2023 issue of interim relief was kept open. It is further submitted that till the next date order of status quo be passed. On instructions advocate for the applicant makes a statement that so far on the post held by the applicant no one has been posted. **Status quo as on today shall be maintained till 17.08.2023.**

5. **S.O. 17.08.2023.**

6. **Steno copy is granted.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.889/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri B.Kulkarni, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents. Await service of R-2.

2. On oral request of Id. P.O., **S.O. 22.08.2023 to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.837/2022 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 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 Id. P.O. waives notice for the respondents.

5. **S.O. 03rd week of September, 2023.**

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

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.1034/2021 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.893/2023 (S.B.)

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

Dated : 11/08/2023.

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

2. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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. four weeks.**

Date:- 11/08/2023.
aps.

Member (J)

O.A.No.541/2017 (S.B.)

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

Dated : 11/08/2023.

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

2. **Closed for orders.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.20/2020 (S.B.)

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

Dated : 11/08/2023.

Heard Shri P.V.Thakre, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 17.08.2023** for final hearing.

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.134/2020 (S.B.)

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

Dated : 11/08/2023.

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

2. On oral request of Id. P.O., **S.O. four weeks for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.210/2020 (S.B.)

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

Dated : 11/08/2023.

Heard Shri R.V.Shiralkar, Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the Respondents and Shri N.S.Khandewale, Id. Counsel for the R-3. None for the R-4.

2. On oral request of Id. P.O., **S.O. 29.08.2023 for final hearing.**

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

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.291/2020 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, 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. two weeks for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.591/2020 (S.B.)

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

Dated : 11/08/2023.

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

2. On oral request of Id. Counsel for the applicant, **S.O. 28.08.2023 for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.698/2020 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the Respondents and Ms. A.Singh, Id. Counsel for the respondent no. 4.

2. On oral request of Id. P.O., **S.O. 22.08.2023 for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.569/2021 (S.B.)

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

Dated : 11/08/2023.

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

2. On oral request of Id. P.O., **S.O. 22.08.2023** for final hearing.

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.1055/2021 (S.B.)

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

Dated : 11/08/2023.

Heard Shri B.Kulkarni, 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. three weeks for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.180/2022 (S.B.)

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

Dated : 11/08/2023.

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

2. On oral request of Id. P.O., **S.O. four weeks
for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.534/2022 (S.B.)

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

Dated : 11/08/2023.

Heard Shri D.M.Totey, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. Ld. Counsel for the applicant has invited attention to para 7 of reply of respondents 1 to 3 which reads as under:-

"It is submitted that, the Respondent No.2 i.e. Collector, Amravati by a letter dated 07.04.2018 had made proposal to the Government through the Respondent No. 3 i.e. Divisional Commissioner, Amravati Division. Amravati for approval of Extraordinary Leave during unauthorized leave from 01.02.1998 to 31.03.2003 for a 1945 days which is more than 5 years and informed by a letter dated 13.04.2018 to the Lok Aayukta, State of Maharashtra, Mumbai."

3. It is submitted that proposal dated 07.04.2018 was to be decided by respondent no. 4 but it has not been decided so far. Respondent no. 4 is directed to take a decision on the proposal dated 07.04.2018 within four weeks from today.

4. S.O. six weeks.

5. Steno copy is granted.

Date:- 11/08/2023.
aps.

Member (J)

O.A.No.692/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 11/08/2023.

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

2. On oral request of Id. P.O., **S.O. four weeks
for final hearing.**

Date:- 11/08/2023.
aps.

Member (J)

O.A.No.484/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 21.08.2023 for final hearing.**

3. **Office is directed to keep the matter high on board.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.597/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri P.A.Kadu, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 22.08.2023** for final hearing.

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.96/2023 (S.B.)

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

Dated : 11/08/2023.

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. four weeks for final hearing.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.Nos.498,499,500,502,511,513&523/2023

(S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 11/08/2023.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. Ld. Counsel for the applicant states that he has received copy of report of Civil Services Board and he desires time to go through the same and make submissions.

3. **S.O. 17.08.2023.**

Date:- 11/08/2023.
aps.

Member (J)

O.A.No.916/2023 (S.B.)
Dr. Rajesh Vithal Gosavi Vs. State of Maharashtra & 3 Ors.
Coram:Shri M.A.Lovekar, Member (J)
Dated : 11/08/2023.

Heard Shri S.Khandekar, Id. counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the Respondents 2 & 3 and Shri R.V.Shiralkar, Id. Counsel for the respondent no. 4.

2. By order 10.08.2023 the applicant is transferred from G.M.C., Nagpur to G.M.C., Gondia (A-2). It is submitted that the applicant is going to retired on superannuation on 30.11.2023.

3. Respondent no. 4 is transferred from G.M.C., Gondia to G.M.C., Nagpur on the post held by the applicant. Transfer order of respondent no. 4 is at A-3. Transfer order of respondent no. 4 states that it has been passed on request of respondent no. 4. It also refers to Sub Sections 4 & 5 of Section 4 of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

4. On behalf of the respondent no. 4 a statement is made that respondent no. 4 has been relieved but he has not joined as yet on the transferred post.

5. It is the submission of Id. Counsel for the applicant that from perusal of transfer orders at Annexures-2 & 3 an inference can be drawn that the applicant who is on the verge of retirement has been transferred only to accommodate respondent no. 4 in his place. *Prima facie* there is merit in this submission. In this background an order of status-quo deserves to be passed. Status -quo as on today to the extent of applicant shall be maintained till the next date.

6. Issue notice to Respondents, returnable on 30.08.2023. Learned P.O. waives notice for R-1. Id. Counsel for the respondent no. 4 waives notice for the said respondent. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. **S.O. 30.08.2023.**

13. **Steno copy is granted.**

Member (J)

Date:- 11/08/2023.

aps.

O.A.No.918/2023 (S.B.)

Dr. Vandana W/o Atul Agarwal Vs. State of Maharashtra & Another.

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

Dated : 11/08/2023.

Heard Shri N.S.Warulkar, Id. counsel for the applicant and Shri A.M.Ghogle, Id. P.O. for the Respondents.

2. The impugned order of transfer of the applicant dated 10.08.2023 is at A-1. The applicant is transferred from G.M.C., Nagpur to G.M.C., Akola. It is submitted that the applicant is going to retire on superannuation on 30.09.2023. It is pointed out that in the impugned order there is no reference to Sub Sections 4 & 5 of Section 4 of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. A case is made out to stay the effect and implementation of the impugned order till the next date. The impugned order shall stand stayed to the extent of applicant till the next date.

3. Issue notice to Respondents, returnable on 29.08.2023. 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. 29.08.2023.**

10. **Steno copy is granted.**

Member (J)

Date:- 11/08/2023 (APS)