

**O.A. No.791/2020 (S.B.)**

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

**Dated : 16/06/2023.**

Shri S.U. Ambagade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 4/7/2023.**

**Vice Chairman**

dnk.

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

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

**Dated : 16/06/2023.**

Shri Sunil Pande, Id. Counsel holding for  
Shri N.D. Thombre, Id. counsel for the applicant  
and Shri A.M. Khadatkar, Id. P.O. for the  
respondents.

At the request of learned counsel for the  
applicant, **S.O. 7/7/2023.**

**Vice Chairman**

dnk.

**O.A. No.258/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Shri A.T. Bhautike, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

At the request of learned counsel for the applicants, **S.O. 4/7/2023** for filing service affidavit.

**Vice Chairman**

dnk.

**Rev.A. 25/2018 in O.A. No.650/2017 (S.B.)**

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

**Dated : 16/06/2023.**

Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 5/7/2023.**

**Vice Chairman**

dnk.

**(S.B.)**

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

**Dated : 16/06/2023.**

**Rev.A.26/2019 in O.A.1004/2018,**

**Rev.A.27/2019 in O.A.1005/2018 and**

**Rev.A.28/2019 in O.A.1006/2018**

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

At the request of learned P.O., **S.O.**  
**5/7/2023** for filing reply.

**Vice Chairman**

dnk.

**O.A. 941/2018 (S.B.)**

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

**Dated : 16/06/2023.**

**C.A.265/2023 -**

Heard Shri T.M. Zaheer, Id. Counsel holding for Shri A.S. Dhore, Id. Counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. Counsel for applicants wants to delete the names of applicant nos.2 to 4 & 6 to 14 from the array of the applicants.

3. Looking to the submission, the C.A. is allowed and disposed off. Names of applicant nos.2 to 4 & 6 to 14 be deleted.

**O.A. 941/2018 –**

**S.O. 5/7/2023.**

**Vice Chairman**

dnk.

**O.A. No.527/2022 (S.B.)**

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

**Dated : 16/06/2023.**

Shri M.R. Rajgure, Id. Counsel for applicant, Shri M.I. Khan, Id. P.O. for R-1 and Sri T.M. Zaheer, Id. Counsel for R-2 to 4.

At the request of Id. Counsel for R-2 to 4,  
**S.O. 6/7/2023** for filing reply.

**Vice Chairman**

dnk.

**O.A. No.528/2022 (S.B.)**

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

**Dated : 16/06/2023.**

Shri M.R. Rajgure, Id. Counsel for applicant, Shri M.I. Khan, Id. P.O. for R-1 and Sri T.M. Zaheer, Id. Counsel for R-2 to 3.

At the request of Id. Counsel for R-2 to 4,  
**S.O. 6/7/2023** for filing reply.

**Vice Chairman**

dnk.



**O.A. No.1167/2022 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri M.R. Rajgure, Id. Counsel for applicant, Shri M.I. Khan, Id. P.O. for R-1 and Sri T.M. Zaheer, Id. Counsel for R-2 to 3.

2. The Id. Counsel for the applicant prayed to grant interim relief. No such relief was granted earlier.

3. The respondent nos.2&3 are directed to file reply positively on 6/7/2023. On that date, if the reply is not filed, the matter will be heard finally.

**S.O. 6/7/2023.**

**Vice Chairman**

dnk.

**O.A. No.111/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Shri C.M. Rathod, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Vice Chairman**

dnk.

**O.A. No.477/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Shri Khaparde, Id. Counsel holding for  
Shri G.G. Bade, Id. counsel for the applicant and  
Shri M.I. Khan, Id. P.O. for the respondents.

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

**Vice Chairman**

dnk.

**O.A. No.467/2023 (S.B.)**

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

**Dated : 16/06/2023.**

**C.A. 250/2023 -**

Heard Shri Sheikh, Id. Counsel holding for Shri A.S. Dhore, Id. Counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

2. All the applicants are claiming same relief.
3. Looking to the submission, the C.A. is allowed and disposed off.

**O.A. No.467/2023 –**

Heard Shri Sheikh, Id. Counsel holding for Shri A.S. Dhore, Id. Counsel for applicants and Shri A.M. Khadatkar, Id. 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.

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

**Vice Chairman**

dnk.

**O.A. No.468/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Shri S.Z. Quazi, Id. Counsel holding for  
Shri S.O. Ahmed, Id. counsel for the applicant  
and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Vice Chairman**

dnk.

**O.A. No.437/2016 (S.B.)**

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

**Dated : 16/06/2023.**

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

**S.O. 4/7/2023.**

**Vice Chairman**

dnk.

**O.A. No.591/2017 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As per the submission of learned counsel for the applicant, some identical matters are decided by this Tribunal. He wants time to file copy of the Judgment.

**S.O. 4/7/2023.**

**Vice Chairman**

dnk.



(S.B.)

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

**Dated : 16/06/2023.**

**O.A. Nos.877/17,880/17,107/18 with**

**C.A.283/22, 108/18,392/21 & 395/21.**

Heard Shri M.R. Johrapurkar, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As per submission of Shri A.M. Khadatkar, Id. P.O., these matters are handed over to P.O. Shri H.K. Pande, but today he is not keeping well.

3. At the request of Shri A.M. Khadatkar, Id. P.O. for the respondents, **S.O. 21/6/2023.**

**Vice Chairman**

dnk.

**O.A. No.529/2021 (S.B.)**

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

**Dated : 16/06/2023.**

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

**S.O. 28/6/2023.**

**Vice Chairman**

dnk.

**O.A. No.531/2021 (S.B.)**

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

**Dated : 16/06/2023.**

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is given to the applicant.

**S.O. 28/6/2023.**

**Vice Chairman**

dnk.

**O.A. No.92/20222 (S.B.)**

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

**Dated : 16/06/2023.**

Shri K.J. Khanorkar, Id. Counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri P.R. Rahulkar, Id. Counsel for R-4. None for other respondents.

**S.O. 10/7/2023.**

**Vice Chairman**

dnk.

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

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

**Dated : 16/06/2023.**

Heard Shri V.A. Kothale, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned counsel for the applicant has pointed out the decision of the Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.2461/2022 with connected matters, decided on 20/06/2022.

3. The learned P.O. is directed as to whether the direction given by the Hon'ble Bombay High Court, Bench at Aurangabad is complied or not.

**S.O. 10/7/2023.**

Steno copy is granted...

**Vice Chairman**

dnk.

**O.A. No.400/2018 (D.B.)**

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

**Dated : 16/06/2023.**

**MCA No.14/2023 in O.A. 400/2018 -**

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

2. The Id. P.O. seeks time to get  
instructions about compliance of the order.

**S.O. 4/7/2023.**

**Vice Chairman**

dnk.

**O.A. No.918/2021 (D.B.)**

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

**Dated : 16/06/2023.**

The applicant in person absent. Shri S.A. Deo, Id. CPO for R-1 to 4 and Shri Sumeet Ambade, Id. Counsel holding for Shri R. Joshi, Id. Counsel for R-7 to 9.

The Id. CPO seeks time to get instructions. At his request, **S.O. four weeks.**

**Vice Chairman**

dnk.

**O.A. No.585/2023 (D.B.)**

**( S.A. Gandharwar Vs. State of Mah. & Ors.)**

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

**Dated : 16/06/2023.**

**ORDER**

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

2. The learned counsel for the applicant has pointed out the appointment order of the applicant. The applicant was appointed on the post of Tracer as per the appointment order dated 06/04/1999 (P-23) from N.T. (B) category. His Caste Certificate was invalidated by the Caste Scrutiny Committee as per the order dated 06/02/2019 (P-27). The applicant approached to this Tribunal by filing O.A.No.83/2015 challenging the order of the respondents to terminate his service.

3. This Tribunal disposed of the O.A. In para-7 following order was passed –

*“(7) For the reasons stated above, the O.A. stands disposed of in the following terms :*

*(i) The respondent no.3 is directed to decide the caste claim of the applicant preferably within six months from the date of passing of this order and communicate the decision to the applicant as well as to the respondent no.2.*

*(ii) After receiving the finding from the respondent no.3 / Caste Scrutiny Committee, the respondent no.2 shall be at liberty to take action and to decide the fate of the applicant, according, to law. Till then, service of the applicant shall remain protected.”*

4. The learned counsel for applicant Shri S.P. Palshikar has pointed out the proposal submitted to the Government by the Assistant Superintending Engineer, Public Works Division, Yavatmal dated 27/3/2019 (P-33). By the said proposal, it was submitted that the service of the applicant can be treated in the Open category. It was also submitted to create supernumerary post for the applicant.



5. As per the submission of learned counsel for the applicant, the Additional District Government Pleader, Yavatmal has given the opinion in favour of the applicant, but copy was not supplied.

6. The learned counsel for the applicant has pointed out the Show Cause Notice issued on 16/05/2023 (P-38) by which the respondents may terminate the applicant. Hence, the applicant prayed to grant interim stay.

7. Heard Shri M.I. Khan, learned P.O. for the State. He has strongly objected to grant interim relief.

8. From the perusal of the Judgment of this Tribunal in O.A.No.83/2015, decided on 9/9/2015, it appears that the respondent no.2 was directed to take decision according to law. The proposal submitted by the Assistant Superintending Engineer, Public Works Division, Yavatmal dated 27/3/2019 (P-33) is not yet decided. The applicant was appointed in the year 1999. The State of Maharashtra / respondents not taken any decision to create any supernumerary post.

9. Hence, **the impugned Show Cause Notice issued on 16/05/2023 (P-38) is stayed till filing of reply.**

10. Issue notice to the respondents returnable **after three weeks**. 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. after three weeks.**

Steno copy is granted...

**Vice Chairman**

dnk.

**O.A. No.565/2023 (D.B.)**

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

**Dated : 16/06/2023.**

**C.A. 262/2023 -**

Heard Shri R.V. Shiralkar, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. The applicants are claiming same relief. Hence, the C.A. is allowed and disposed off.

**O.A. No.565/2023 –**

Heard Shri R.V. Shiralkar, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. As per submission of learned counsel for the applicants, the applicants appeared in the examination conducted by the respondents. The respondents have declared the list of qualified candidates. The respondents have not declared the marks of the applicants or any other candidates. As per his submission, all applicants are **expecting** to get more marks than the qualified candidates (cut off marks) and they will be eligible to get appointment.

3. Heard Shri S.A. Deo, learned CPO for the State. He has submitted that the process of scrutiny is going on. He will get instructions.

4. From the perusal of the list of qualified candidates, it appears that the marks of other candidates are also not shown.

5. Hence, issue notice to the respondents returnable **22/06/2023**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

**S.O. 22/06/2023.**

**Vice Chairman**

dnk.

**O.A. No.145/2023 (D.B.)**

**(A.V. Gadling Vs. State of Mah. & Ors. )**

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

**Dated : 16/06/2023.**

**ORDER**

The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued the Circular No.MAT/MUM/JUD/469/2023,dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally.

2. Heard Shri V.A. Kothale, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.
3. The matter is heard and decided finally with the consent of learned counsel for both the parties as per the Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai Circular dated 24/04/2023.
4. The learned P.O. has filed reply on behalf of respondent no.3. It is taken on record.
5. The learned counsel for the applicant has submitted that the appeal is pending before the respondent no.2 since 21/3/2022. It is not decided till date. Therefore the applicant prayed for direction to the respondents to decide the appeal within a stipulated time.
6. Heard Shri V.A. Kulkarni, learned P.O. for the respondents. As per his submission, the appeal was received through proper channel on 06/12/2022, therefore, it was not decided. Therefore, he prayed three months time to decide the appeal.
7. The applicant was a Police Head Constable. He was reverted in the departmental inquiry. As per the report in the departmental inquiry, the applicant challenged the order of the Commissioner of Police, Amravati dated 20/10/2021. The appeal is pending before respondent no.2. It is not decided by the respondent no.2., therefore, the applicant approached to this Tribunal for the following reliefs –

*“(9) (i) order of respondent no.2 to decide the appeal submitted by applicant vide Annexure-A-3 as referred in Annexure-A-1 dated 13/01/2023 expeditiously for avoiding miscarriage of justice;*

*(10) During the pendency stay be granted to the effect and operation of order dated 20/10/2021. Annexure-A-2 with specific order to protect the status of applicant as Head Constable instead of Sepoy.”*

8. In view of above submission, the following order is passed –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The respondent no.2 is directed to decide the appeal of applicant within three months from the date of receipt of this order.
- (iii) No order as to costs.

**Vice Chairman**

dnk.

**O.A. No.552/2023 (S.B.)**

**(Rahul S. Bhanegaonkar Vs. State of Mah. & Ors.)**

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

**Dated : 16/06/2023.**

**C.A. 269/2023 -**

Heard Smt. S. Dashputre, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant has filed C.A. for amendment on the ground that now the applicant has received the transfer order. The applicant wants to challenge the said order.

3. Looking to the submission, the C.A. for amendment is allowed and disposed off. Necessary amendment be carried out today itself.

**C.A. 270/2023 -**

Heard Smt. S. Dashputre, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant has filed C.A. for permission to add Shri Nirwan P. Dighade as a party respondent no.5.

3. Shri Nirwan P. Dighade is transferred in place of the applicant. Hence, he is necessary party. Therefore, the counsel for applicant is permitted to join Shri Nirwan P. Dighade as a party respondent no.5.

4. In view of above, the C.A. is allowed and disposed off.

**O.A. No.552/2023 –**

Heard Smt. S. Dashputre, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant has submitted that the applicant is not relieved. In support of her claim filed the affidavit of the applicant. The applicant has stated in his

affidavit that the transfer order dated 31/5/2023 was served to him on 13/6/2023. He has not received relieving order till date. On the other hand, the learned P.O. has submitted that just now he got the instruction and document i.e. relieving order is received on the whatsapp from the respondents. As per his submission, the applicant is relieved on 15/6/2023 and proposed respondent no.5, i.e., Shri Nirwan P. Dighade has taken the charge at the place of the applicant.

3. The learned counsel for the applicant submitted that the applicant is a handicapped having 57% disability. Therefore, as per the G.R. dated 9/4/2018, he should have been preference for posting.

4. As per the submission of P.O., the proposed respondent no.5, i.e., Shri Nirwan P. Dighade has already joined in place of the applicant. Therefore, granting stay will create the problem, but at the same time, the respondents should have considered the claim of the applicant as per the G.R. dated 9/4/2018. In the Appendix-1 of the G.R. dated 9/4/2018 the guidelines in respect of transfer of handicapped person, are given.

5. As per the submission of the learned counsel for the applicant, the post at Jam, Tahsil Ghatanji is available. Hence, the respondents are directed to consider the claim of the applicant for posting as per the guidelines of G.R. dated 9/4/2018, as per the representation of the applicant dated 8/6/2023.

6. The learned counsel for the applicant has submitted that the applicant had already given option of Jam, Tahsil Ghatanji. The respondents shall consider the same as per the guidelines given in the G.R. dated 9/4/2018.

7. Issue notice to the proposed respondent no.5 returnable **26/06/2023**. Hamdast allowed.

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

9. 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.



10. 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.

11. 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.

12. 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.

13. The learned P.O. is directed to get instructions in this regard before the next date.

**S.O. 26/06/2023.**

Steno copy is granted.

**Vice Chairman**

dnk.  
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**O.A.No.210/2019 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

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

**Member (J).**

rsm.

**O.A.No.881/2019 (S.B.)**

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

**Dated : 16/06/2023.**

**C.A.No.141 & 142/2023**

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

2. C.A. is allowed. Director, Government Vidarbha Institute of Science and Humanities, Amravati is permitted to be added as respondent no.5.

3. Issue notice to the newly added respondents, returnable **after two weeks**. Learned P.O. waives notice for State. 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 on 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 two weeks.**

**Member (I).**

rsm.

**O.A.No.244/2020 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri S.R.Dambhare, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Reply of respondents 1 to 5 filed by learned P.O. is taken on record.
3. On oral request of ld. counsel for the applicant, **S.O. two weeks for compliance.**

**Member (J).**

rsm.

**O.A.No.860/2021 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. Reply of respondents 1 to 4 filed by learned P.O. is taken on record. It is stated to be sufficient. The O.A. is **admitted** and kept for final hearing.

3. **S.O. 23.06.2023.**

**Member (J).**

rsm.

**O.A.No.116/2022 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. P.O., **S.O. 05.07.2023 for filing reply as last chance.**

**Member (J).**

rsm.

**O.A.No.474/2022 with O.A.No.475/2022  
(S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri M.R.Rajgure, ld. counsel for the applicant, Shri A.P.Potnis, ld. P.O. for the respondent no.1 and Shri T.M.Zaheer, ld. counsel for the respondents 2 and 3.

2. Reply of respondents 2 and 3 filed by learned P.O. is taken on record. Pleadings are complete. The O.A. is **admitted** and kept for final hearing.

3. **S.O. second week of July.**

**Member (J).**

rsm.



**O.A.No.1016/2022 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. P.O., **S.O. 30.06.2023 for filing reply.**

**Member (J).**

rsm.

**O.A.No.1170/2022 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. two weeks for filing reply as last chance.**

**Member (J).**

rsm.

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

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

**Dated : 16/06/2023.**

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

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

3. **S.O. third week of July.**

**Member (J).**

rsm.

**O.A.No.210/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri G.G.Bade, ld. counsel for the applicants and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Finally since the issue involved in the O.A. is no longer res-integra.

3. **Closed for Orders.**

**Member (J).**

rsm.

**O.A.No.211/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri G.G.Bade, ld. counsel for the applicants and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Finally since the issue involved in the O.A. is no longer res-integra.

3. **Closed for Orders.**

**Member (J).**

rsm.

**O.A.No.213/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri G.G.Bade, ld. counsel for the applicants and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Finally since the issue involved in the O.A. is no longer res-integra.

3. **Closed for Orders.**

**Member (J).**

rsm.

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

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

**Dated : 16/06/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.255/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri P.S.Patil, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents 1 & 2 and Shri A.P.Sadavarte, ld. counsel for the respondent no. 4. None for the respondent no. 3.

2. Learned P.O. submits that he is adopting reply of respondents 1 and 2 as reply of respondent no. 5. The O.A. is **admitted**.

3. Ld. P.O. waives notice for the respondents.

4. **S.O. 19.06.2023 for final hearing.**

**Member (J).**

rsm.



**O.A.No.273/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.297/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.392/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. Await service of respondents 2 and 3.

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

**Member (J).**

rsm.

**O.A.No.406/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.412/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

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

**Member (J).**

rsm.

**O.A.No.443/2022 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. P.O., **S.O. one week for filing reply.**

**Member (J).**

rsm.

**O.A.No.444/2022 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. P.O., **S.O. one week for filing reply.**

**Member (J).**

rsm.

**O.A.No.445/2022 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. P.O., **S.O. one week for filing reply.**

**Member (J).**

rsm.



**O.A.No.480/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. Reply of respondents 1 to 3 filed by learned P.O. are taken on record.

3. Learned P.O. seeks time to place on record some communications to which there is a reference in para 3 of reply of respondents 1 and 2.

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

**Member (J).**

rsm.

**O.A.No.497/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. Learned counsel for the applicant submits that the respondents are served and within three days he will file service affidavit.

3. On oral request of ld. P.O., **S.O. three weeks for filing reply.**

**Member (J).**

rsm.

**O.A.No.542/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri S.P.Palshikar, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

2. On behalf of the respondents it is submitted that reply will be filed on 23.06.2023.

3. The applicant has placed on record copy of representation dated 14.06.2023 made by him to respondent no.2. Respondent no.2 shall decide representation dated 14.06.2023 made by the applicant before the returnable date i.e.23.06.2023.

4. **S.O. 23.06.2023.**

5. **Steno copy is granted.**

**Member (J).**

rsm.

**O.A.No.544/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. Learned counsel for the applicant states that the respondents 2 to 4 are served and today he will file service affidavit.

3. On oral request of learned C.P.O.,  
**S.O.30.06.2023.**

4. Interim order to continue till next date.

**Member (J).**

rsm.

**O.A.No.571/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. The applicant is aggrieved by recovery from his salary which started in December 2021. Last recovery is effected from the salary of April 2023.

3. Learned counsel for the applicant submits that in view of Judgment dated 01.11.2023 of the Hon'ble Supreme Court in Civil Appeal No.2471 of 2023/SLP (C) No.6185/2020 such recovery is bad. There is prima facie substance this submission.

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

10. **S.O. after four weeks.**

11. Till the returnable date no further recovery shall be effected.

12. **Steno copy is granted.**

**Member (I).**

rsm.

**O.A.No.572/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. The applicant is aggrieved by recovery from his salary which started from the month of May 2022. Last recovery is effected from the salary of April 2023.

3. Learned counsel for the applicant submits that in view of Judgment dated 01.11.2023 of the Hon'ble Supreme Court in Civil Appeal No.2471 of 2023/SLP (C) No.6185/2020 such recovery is bad. There is prima facie substance this submission.

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

10. **S.O. after four weeks.**

11. Till the returnable date no further recovery shall be effected.

12. **Steno copy is granted.**

**Member (I).**

rsm.



**O.A.No.534/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Order at Annexure A-7 is impugned to the extent of recovery of amount which may be found to have been paid in excess. The impugned order states-

तसेच भविष्यात अतिप्रदान झाल्याचे दिसून आल्यास अतिप्रदान रक्कम एकरकमी वसूल करण्यात येईल. आदेशाची नोंद सेवा पुस्तकात घेण्यात यावी.

3. To the impugned order the applicant has attached a chart as per which the department has calculated excess payment said to have been made to the applicant at Rs.2,94,006/-.

4. It is submitted that so far no recovery has been started pursuant to this calculation.

5. Learned counsel for the applicant prays that interim order be passed directing the respondents not to start recovery based on this calculation. In support of this prayer reliance is placed on order dated 21.09.2021 in W.P.No.3642 of 2021 passed by the Hon'ble Bombay High Court. Said order states as under-

**The next contention is that after having worked for more than 12 years in the areas declared to be Naxal affected by the State of Maharashtra, now, respondent Nos. 4 and 5 are seeking to reduce the said benefit and have proposed to pay the petitioners time bound promotional pay scale, which cannot be done in view of the law laid down by the Co-ordinate Bench of this Court at Principal Seat, Mumbai in Writ Petition No.9543 of 2021 and connected matters, decided on 14<sup>th</sup> July 2021.**

6. Considering these aspects case is made out to pass interim order. Respondents shall not proceed with the proposed recovery till the returnable date.

7. Issue notice to the respondents, returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. 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.
10. 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.
11. 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.
12. 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.
13. **S.O. after four weeks.**
11. **Steno copy is granted.**

**Member (I).**

rsm.

**O.A.No.563/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. Issue notice to the respondents, returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

8. **S.O. after four weeks.**

**Member (I).**

rsm.

**O.A.No.228/2016 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents 1 & 2. None for the respondent no.3.

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

**Member (J).**

rsm.

**O.A.No.742/2019 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. C.P.O., **S.O. 21.06.2023.**

**Member (J).**

rsm.

**O.A.No.770/2019 (S.B.)**

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

**Dated : 16/06/2023.**

None for the applicant. Shri S.A.Deo, Id.  
C.P.O. for the respondents.

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

**Member (J).**

rsm.

**O.A.No.875/2019 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

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

**Member (J).**

rsm.



**O.A.No.41/2020 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. C.P.O., **S.O. 23.06.2023.**

**Member (J).**

rsm.

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

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

**Dated : 16/06/2023.**

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

2. On oral request of ld. C.P.O., **S.O. two weeks.**

**Member (J).**

rsm.

**O.A.No.918/2020 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. **S.O. 22.06.2023.**

**Member (J).**

rsm.

**O.A.No.379/2021 (S.B.)**

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

**Dated : 16/06/2023.**

None for the applicant. Shri S.A.Deo, Id.  
C.P.O. for the respondents.

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

**Member (J).**

rsm.

**O.A.No.580/2021 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. **S.O. 22.06.2023.**

**Member (J).**

rsm.

**O.A.No.801/2021 with C.A.No.321/202 with  
O.A.No.802/2021 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. **S.O. one week.**

**Member (J).**

rsm.

**O.A.No.817/2021 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri V.R.Borkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Learned counsel for the applicant submits that the O.A.Nos.818/2021, 819/2021 and 820/2021 are connected and therefore O.A.No.817/2021 be tagged with these O.As. This O.A. as well as the connected three O.As. be kept on 07.07.2023.

3. **S.O. 07.07.2023.**

**Member (J).**

rsm.

**Rev.A.No.09/2022 in O.A.No.799/2021 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri G.R.Sadar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. None for the respondent no.5.

2. None for respondent no.6 herein / original applicant.

3. **S.O. 26.06.2023.**

**Member (J).**

rsm.



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

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

**Dated : 16/06/2023.**

Heard Shri D.M.Totey, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Reply of respondents 1 to 3 refers to letters dated 07.04.2018, 19.01.2019 and 20.02.2019.

3. Copies of these letters shall be placed on record by learned P.O..

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

**Member (J).**

rsm.

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

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

**Dated : 16/06/2023.**

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

2. **S.O. 23.06.2023.**

**Member (J).**

rsm.

**O.A.No.588/2023 (S.B.)**

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

**Dated : 16/06/2023.**

Heard Shri S.N.Gaikwad, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

2. By order dated 09.03.2023 the applicant was transferred from Balapur, District Akola to Nandura, District Buldhana. By the impugned order dated 12.06.2023 (Annexure A-3) the applicant is transferred from Nandura, District Buldhana to Muktainagar, District Jalgaon.

3. It is the submission of the applicant that he has been transferred barely three months after serving at Nandura. It is his grievance that there were no special circumstances for transferring him to Muktainagar. In the impugned order, in Column-4 it is stated that the applicant was to join at Muktainagar because the post at Muktainagar had fallen vacant. It is the contention of learned C.P.O. that the reason mentioned in Column-4 amounts to a special circumstance warranting transfer before completion of tenure.

4. Communication dated 13.06.2023 (marked-X for identification) is placed on record which shows that on that very day the applicant has been relieved and his charge is handed over to one Smt. Arati Narkhede, Naib Tehsildar, Nandura. Since the applicant is already relieved question of granting stay to the impugned order will not arise. Learned counsel for the applicant prays that if this Tribunal is not inclined to pass interim order today, question of considering grant of interim relief be kept open till the returnable date.

5. Question of interim relief is kept open.

6. Advocate for the applicant may move an application if necessary for grant of appropriate interim relief.

7. The applicant further prays that he has filed representation dated 13.06.2023 (Annexure A-5). Respondent no.1 shall decide representation of the applicant on its own merits before the returnable date.

8. Issue notice to the respondents, returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. 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.
11. 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.
12. 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.
13. 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.
14. **S.O. after four weeks.**
15. **Steno copy is granted.**

**Member (I).**

rsm.

**O.A.No.589/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. The impugned order dated 13.06.2023 transferring the applicant from District Hospital, G.M.C. Chandrapur to Sub-District Hospital, Kaij, District Beed, is at Annexure A-4.

3. The applicant is relying on the following clause of G.R. dated 06.08.2002-

१) आदिवासी क्षेत्रात ३ वर्षे चांगले काम केलेल्या गट 'क' व गट 'ड' च्या कर्मचा-यांना त्यांच्या पसंतीच्या जिल्ह्यात सोईप्रमाणे नेमणूका देण्यात याव्यात.

4. It is further submitted that the applicant is a widow and by G.R. dated 09.04.2018 she falls in the excepted category. This is supported by contents of the G.R.

5. The applicant has placed on record at P.31 various options given by her for transfer.

6. In reply it is submitted by learned P.O. that posting the employees as per their choice is subject to administrative convenience and such posting can be deferred for a period of three years as per clause-6 of the G.R. dated 06.08.2002.

7. On behalf of the applicant a statement is made that she has not been relieved so far.

8. The applicant, if she is not relieved so far, shall not be relieved till the returnable date.

9. The applicant has placed on record a copy of representation made by her being aggrieved by her transfer order. This representation is at Annexure A-6. Respondent no.3 shall decide said representation on its own merits before the returnable date i.e. 30.06.2023.

8. Issue notice to the respondents, returnable **on 30.06.2023**. Learned P.O. waives notice for State. Hamdast allowed.

9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. 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.
11. 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.
12. 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.
13. 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.
14. **S.O. 30.06.2023.**
15. **Steno copy is granted.**

**Member (I).**

rsm.

**O.A.No.591/2023 (S.B.)**

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

**Dated : 16/06/2023.**

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

2. Learned counsel for the applicant submits that in Nagpur Division there are vacant posts and on one of these posts the applicant can be accommodated.

3. Learned C.P.O. shall ascertain and make a statement on this aspect.

4. **S.O.19.06.2023.**

**Member (J).**

rsm.