

(S.B.)

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

Dated : 18/08/2023.

**O.A.Nos.250,251,252,253,254,255,256,257,
262 and 269 of 2022 -**

Shri H.M. Bobade, Id. Counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for respondent no.1. Await service of other respondents.

2. As per the submission of learned counsel for applicants, the respondents are served and he will file service affidavit before the next date.

3. At the request of learned counsel for applicants, **S.O. 25/08/2023.**

Vice Chairman

dnk.

O.A. No.242/2020 (S.B.)

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

Dated : 18/08/2023.

Shri P.P. Khaparde, Id. Counsel holding
for Shri G.G. Bade, Id. Counsel for the applicant
and Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. Counsel for
applicant, **S.O. 30/08/2023.**

Vice Chairman

dnk.

O.A. No.28/2022 (S.B.)

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

Dated : 18/08/2023.

Shri A. Motlag, Id. Counsel holding for
Shri R.V. Shiralkar, Id. Counsel for the applicant
and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4.
None for R-5.

At the request of Id. Counsel for
applicant, **S.O. 07/09/2023.**

Vice Chairman

dnk.

O.A. No.334/2022 with C.A.352/2022 (S.B.)

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

Dated : 18/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.827/2022 (S.B.)

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

Dated : 18/08/2023.

Mrs. Wathore, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.49/2023 (S.B.)

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

Dated : 18/08/2023.

Shri A. Motlag, Id. Counsel holding for
Shri R.V. Shiralkar, Id. Counsel for the applicant
and Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. Counsel for
applicant, **S.O. 07/09/2023.**

Vice Chairman

dnk.

MCA. 02 & 03 of 2023 in O.A.178/2020 (S.B.)

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

Dated : 18/08/2023.

T.S. Kene, Id. Counsel holding for Ms. N.N. Singhvi, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. P.O., **S.O.**
07/09/2023.

Vice Chairman

dnk.

O.A.St. No.1942/2020 (S.B.)

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

Dated : 18/08/2023.

C.A. 386/2020 -

Heard Shri S.G. Zinjarde, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for the State.

2. This application is filed on 20/11/2020, but the reply is yet not filed by the respondents. The present applicants are L.Rs. of deceased applicant.

3. The application for condonation of delay is filed on the ground that deceased application filed Writ Petition No.2582/2015 before the Hon'ble High Court. The said petition was disposed of with direction to the applicant to approach before the Administrative Tribunal. Thereafter, the applicant made representation to the Deputy Director of Technical Education, but his representation was not considered. Therefore, he has filed this O.A. along with application for condonation of delay. There is a delay of two years.

4. It is submitted by the side of applicant that due to Covid,19 the applicant could not approach before this Tribunal within time. Because of the pending of Writ Petition before the Hon'ble High Court, he could not file this O.A.. He has filed the O.A. as per the direction of Hon'ble High Court.

5. Heard Shri V.A. Kulkarni, Id. P.O. for the respondents. He has strongly objected the application for condonation of delay.

6. Looking to the grounds, the C.A. for condonation of delay is allowed and disposed of. Delay is condoned and O.A. be registered.

O.A.St. No.1942/2020 –

Heard Shri S.G. Zinjarde, Id. Counsel for applicants and Shri V.A. Kulkarni, 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.

C.A. 496/22 in O.A. No.998/2022 (S.B.)

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

Dated : 18/08/2023.

Shri Bhattacharaya, Id. Counsel holding
for Shri N.S. Warulkar, Id. Counsel for the
applicant and Shri A.M. Ghogre, Id. P.O. for
respondents.

At the request of Id. Counsel for
applicant, **S.O. 29/08/2023** for final hearing.

Vice Chairman

dnk.

O.A. No.41/2023 (S.B.)

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

Dated : 18/08/2023.

Shri C.S. Tamhane, Id. Counsel holding for Shri Sambre, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 5.

2. As per the submission of learned counsel for applicant, the respondents are served and he will file service affidavit in the office.

3. The learned P.O. has filed reply of R-3. It is taken on record.

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

Vice Chairman

dnk.

O.A. No.98/2023 (S.B.)

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

Dated : 18/08/2023.

Shri P.P. Khaparde, Id. Counsel holding
for Shri S.U. Bhuyar, Id. Counsel for the
applicant and Shri A.M. Khadatkar, Id. P.O. for
respondents.

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

Vice Chairman

dnk.

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

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

Dated : 18/08/2023.

Shri V. Rathi, Id. Counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

2. At the request of Id. Counsel for applicants, issue fresh notice to the respondent nos.2 and 3 returnable **after three weeks.** 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 three weeks.

Vice Chairman

dnk.

O.A. No.332/2023 (S.B.)

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

Dated : 18/08/2023.

Shri P.P. Khaparde, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.615/2023 (S.B.)

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

Dated : 18/08/2023.

Shri S.M. Khan, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

Vice Chairman

dnk.

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

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

Dated : 18/08/2023.

Shri R.S. Khobragade, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 4.

2. At the request of Id. Counsel for applicant, issue fresh notice to the respondent nos.2 to 4 returnable **after three weeks.** 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 three weeks.

Vice Chairman

dnk.

O.A. Nos.737 & 738 of 2023 (S.B.)

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

Dated : 18/08/2023.

Shri G.K. Bhusari, Id. Counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. one week** for filing reply.

Vice Chairman

dnk.

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

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

Dated : 18/08/2023.

Shri S.M. Khan, Id. Counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. Shri S. Majid, Id. Counsel appears on behalf of R-3 and filed Vakalatnama. He seeks time to file reply.

S.O. four weeks.

Vice Chairman

dnk.

O.A. No.760/2023 (S.B.)

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

Dated : 18/08/2023.

None for applicants. Shri A.M. Ghogre,
Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.301/2018 (S.B.)

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

Dated : 18/08/2023.

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

S.O. after two weeks.

Vice Chairman

dnk.

O.As. 321,322 & 323 of 2019 (S.B.)

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

Dated : 18/08/2023.

Shri A.D. Girdekar, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. Counsel for applicants, **S.O. 30/8/2023** for filing relevant G.R.

Vice Chairman

dnk.

O.A. No.175/2021 (S.B.)

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

Dated : 18/08/2023.

Shri Vinay Dahat, Id .counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.1113/2021 (S.B.)

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

Dated : 18/08/2023.

None for applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. Shri K.S. Malokar, Id. Counsel for R-4.

The Id. P.O. files reply of R-3. It is taken on record.

The O.A. is already admitted for final hearing.

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

Vice Chairman

dnk.

O.A. No.296/2023 (S.B.)

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

Dated : 18/08/2023.

Shri K.J. Topale, Id. Counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

2. The learned counsel for applicant has pointed out the para-5 of the reply. As per para-5 of the reply the O.A.177/2021 is filed by brother of applicant namely Prashant D. Dukare claiming appointment on compassionate ground.

S.O. 8/9/2023.

Matter be tagged along with O.A. 177/2021.

Vice Chairman

dnk.

O.A. No.206/2023 (S.B.)

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

Dated : 18/08/2023.

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

2. The learned counsel for applicant seeks time to point out the Judgment of Hon'ble Supreme Court in which it is held that if the probation period is not decided after two years, then it is deemed to be completed.

S.O. 7/9/2023.

Vice Chairman

dnk.

O.A. No.874/2023 (D.B.)

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

Dated : 18/08/2023.

Heard Shri P.S. Verma, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

The learned CPO has filed some citations. Same are taken on record.

The matter be treated as **Part Heard.**

S.O. 22/08/2023.

Vice Chairman

dnk.

O.A. No.885/2022 (D.B.)

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

Dated : 18/08/2023.

C.A. 457/2022 -

Heard Shri G.K. Bhusari, Id. Counsel for applicants, Shri A.M. Ghogre, Id. P.O. for respondents and Shri A. Thool, Id. Counsel holding for Shri G.N. Khanzode, Id. Counsel for Intervener.

The learned counsel for applicant seeks time to file reply on C.A.

S.O. after one week.

Vice Chairman

dnk.

O.A. No.1199/2022 (D.B.)

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

Dated : 18/08/2023.

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

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

Put up along with connected matter.

Vice Chairman

dnk.

C.A. 119/2023 in O.A. No.237/2023 (D.B.)

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

Dated : 18/08/2023.

Shri S.A. Walde, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondent no.1. Await service of R-2 to 5.

The learned counsel for applicant submits that the respondents are served and he will file service affidavit in the office.

S.O. after three weeks.

Put up along with connected matter.

Vice Chairman

dnk.

O.A. No.285/2023 (D.B.)

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

Dated : 18/08/2023.

Shri P.D. Ganvir, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 7.

2. At the request of Id. Counsel for applicant, issue fresh notice to the respondent nos.2 to 7 returnable **after three weeks.** 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 three weeks.

Vice Chairman

dnk.

O.A. No.535/2023 (D.B.)

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

Dated : 18/08/2023.

Shri N. Patil, Id. Counsel for applicant
and Shri A.M. Ghogre, Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. after four weeks.

Vice Chairman

dnk.

O.As. 778 & 779 of 2023 (D.B.)

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

Dated : 18/08/2023.

Shri S.P. Palshikar, Id. Counsel for applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.805/2023 (D.B.)

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

Dated : 18/08/2023.

Shri P.A. Kadu, Id. Counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for applicant submits that the respondents are served and he will file service affidavit.

At the request of Id. P.O., **S.O. 12/9/2023** for filing reply.

Interim relief granted on 21/7/2023 is continued till next date.

Vice Chairman

dnk.

O.A. No.861/2023 (D.B.)

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

Dated : 18/08/2023.

Shri A.M. Telange, Id. Counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 4,6&7. None for R-5.

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

Vice Chairman

dnk.

O.A. No.321/2023 (D.B.)

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

Dated : 18/08/2023.

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

Pleadings are complete. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

Put up the matter as and when regular D.B. is available.

Vice Chairman

dnk.

O.A. No.875/2023 (D.B.)

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

Dated : 18/08/2023.

Shri S.B. Gandhe, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 10.

At the request of Id. Counsel for applicant, **S.O. two weeks** for filing service affidavit.

Vice Chairman

dnk.

O.A. No.555/2023 (D.B.)

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

Dated : 18/08/2023.

Shri Vishal Anand, Id. Counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

2. The learned counsel for applicant submitted that the applicant has received Cheque of provisional pension.

3. At the request of Id. P.O., **S.O. 30/08/2023** for filing reply.

Vice Chairman

dnk.

O.A. No.943/2023 (D.B.)

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

Dated : 18/08/2023.

Heard R.G. Nitnaware, Id. Counsel for applicant and Shri S.A. Deo, Id. CPO for the State.

2. As per the submission of learned counsel for applicant, the applicant is removed from service by order dated 14/07/2023 and prayed to grant stay to the said order. Stay cannot be granted because the applicant is already terminated by respondent no.3.

3. As per the submission of learned CPO, this O.A. is not maintainable because till the decision of appeal, the applicant has to wait and without result of appeal he cannot challenge the termination order.

4. The applicant is directed to show provisions how this O.A. is maintainable.

S.O. 22/08/2023.

Vice Chairman

dnk.

O.A. No.553/2018 (D.B.)

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

Dated : 18/08/2023.

None for applicant. Shri S.A. Deo, Id.
CPO for respondents.

Put up the matter as and when regular
D.B. is available.

Vice Chairman

dnk.

O.A.No.312/2018 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.568/2018 (S.B.)

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

Dated : 18/08/2023.

Heard Shri L.S.Burde, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. Ld. P.O. seeks time to conduct the matter,
S.O. two weeks.

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.834/2019 (S.B.)

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

Dated : 18/08/2023.

Heard Shri S.B.Tiwari, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents. None for the R-3 & 4. Amendment not carried out order dated 09.06.2023.

2. On oral request of Id. counsel for the applicant, **S.O. one week to take steps.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.1071/2019 (S.B.)

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

Dated : 18/08/2023.

None for the applicant. Shri M.I.Khan, Id. P.O.
for the Respondents. Await service of R-2 to 5.

2. **S.O. six weeks to take steps.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.42/2022 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.1063/2022 (S.B.)

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

Dated : 18/08/2023.

Heard Ms.A.S.Uikey, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.92/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri V.D.Awchat, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.107/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri G.R.Sadar holding for Shri V.A.Kothale, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 04.09.2023 to file reply as a last chance.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.Nos.286&287/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri R.M.Fating, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the Respondents and Shri A.S.Deshpande, Id. counsel for the R-3.

2. On oral request of Id. P.O., **S.O. 23.08.2023 to file reply.**

3. **Interim relief to continue till filing of the reply.**

4. **Office is directed to keep this matter along with O.A.No.288/2023.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.Nos.315,316&318/2018 (S.B.)

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

Dated : 18/08/2023.

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

2. On oral request of Id. P.O., **S.O. two weeks to file reply as a last chance.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.353/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri A.Potnis, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.393/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri R.M.Fating holding for Shri B.Kulkarni, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.518/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri G.K.Bhusari, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.583/2023 (S.B.)

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

Dated : 18/08/2023.

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

2. On oral request of Id. P.O., **S.O. 25.08.2023 to file reply.**

3. **Liberty to pray for grant of interim order in case reply is not filed on the next day.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.618/2023 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.626/2023 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.627/2023 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.647/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.659/2023 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.Nos.718&719/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents. Await service of R-2 to 5 in O.A.No.718/2023. Await service of R-2 in O.A. No.719/2023.

2. On oral request of Id. counsel for the applicant, **S.O. one week to file service affidavit.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.730/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri S.C.Deshmukh, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

3. **Interim relief to continue till filing of the reply.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.834/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri A.Motlog, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents. Await service of R-2.

2. Ld. counsel for the applicant states that the respondents are served and during the course of the day he will file service affidavit.

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.866/2023 (S.B.)

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

Dated : 18/08/2023.

Heard Shri S.Marathe, Id. counsel for the applicant and Shri M.I.Khan, 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 he will file service affidavit on Monday.

3. Grievance of the applicant is that his salary from June, 2023 onwards is not paid. Ld. P.O. shall take instructions as to why salary of the applicant is withheld, **S.O. 23.08.2023.**

4. Steno copy is granted.

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.1073/2022 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.942/2023 (S.B.)

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

Dated : 18/08/2023.

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

2. Issue notice to Respondent no. 3, returnable on four weeks. Learned P.O. waives notice for R-1 & 2. 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:- 18/08/2023.
aps.

Member (J)

O.A.No.625/2017 (S.B.)

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

Dated : 18/08/2023.

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

2. **Closed for orders.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.192/2018 (S.B.)

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

Dated : 18/08/2023.

Heard Shri R.P.Thote, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 05.09.2023** for final hearing.

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.883/2019 (S.B.)

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

Dated : 18/08/2023.

Heard Shri R.P.Thote, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the Respondents and Shri A.Deshpande, Id. Counsel for the R-6.

2. On oral request of Id. P.O., **S.O. 05.09.2023** for final hearing.

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.1082/2019 (S.B.)

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

Dated : 18/08/2023.

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.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.539/2020 (S.B.)

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

Dated : 18/08/2023.

Heard Shri S.Potey, 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. 07.09.2023 to comply with the order.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.583/2020 (S.B.)

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

Dated : 18/08/2023.

Heard Shri M.Ahawale holding for Shri S.S.Deshpande, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. On oral request of Id. Counsel for the applicant, **S.O. four weeks.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.06/2021 (S.B.)

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

Dated : 18/08/2023.

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

2. **Closed for orders.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.70/2021 (S.B.)

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

Dated : 18/08/2023.

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

2. On oral request of Id. Counsel for the applicant, **S.O. 01st week of September, 2023 for final hearing.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.1110/2021 (S.B.)

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

Dated : 18/08/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. On oral request of Id. Counsel for the applicant, **S.O. 06.09.2023 for final hearing.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.633/2022 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.657/2022 (S.B.)

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

Dated : 18/08/2023.

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

2. Ld. Counsel for the applicant has placed on record documents (collectively marked 'X'). Copy is supplied to the Id. P.O.. Ld. P.O. states that another P.O. Shri Pande is conducting this O.A. and today he is not well.

3. **S.O. 21.08.2023 for final hearing.**

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.858/2022 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.873/2022 (S.B.)

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

Dated : 18/08/2023.

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

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.961/2022 (S.B.)

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

Dated : 18/08/2023.

Heard Shri N.D.Thombre, 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. 05.09.2023 for final hearing.**

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

Member (J)

Date:- 18/08/2023.

aps.

O.A.No.947/2023 (S.B.)
Coram:Shri M.A.Lovekar, Member (J)
Dated : 18/08/2023.

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

2. By the impugned order dated 15.09.2023 (A-1) the applicant is transferred from Panchayat Samiti, Taluka Warora to Z.P., Veterinary Hospital, Chandrapur.

3. It is the submission of the applicant that for 12 years he has served in Naxal affected and the difficult area and on account of this circumstance right has accrued to him as per G.R. dated 06.08.2002 to get posting at a place of his choice.

4. It is submitted that as per communication dated 07.04.2023 (A-4) he had given five choices and as per communication dated 16.05.2023 (A-6) he had given two more choices. It is submitted on instructions that out of these seven choices as many as six places are still vacant. Correctness of this particular submission is disputed by the respondents.

5. At A-7 there is letter dated 14.07.2023 issued by the Hon'ble M.L.A.. It is addressed to R-4. This letter states:-

उपरोक्त विषयाच्या अनुषंगाने, डॉ.आनंद सिताराम नेवारे हे पशुधन विकास अधिकारी (वि) पंचायत समिती वरोरा जि.चंद्रपूर येथे कार्यरत आहेत. त्यांची बदली चंद्रपूर येथे झालेली आहे. तसेच पंचायत समिती वरोरा येथील पशुधन विकास अधिकारी या ठिकाणी कोणीही Reliever देण्यात आलेला नाही. सध्या पावसाळा सुरु असून त्यांना कार्यमुक्त केल्यास पंचायत समिती स्तरावरील कामकाजावर रिक्त पदामुळे परिणाम पडेल. त्यामुळे त्यांना पंचायत समिती वरोरा येथून पावसाळा संपेपर्यंत कार्यमुक्त करण्यात येवू नये.
करिता आपण डॉ. आनंद सिताराम नेवारे, पशुधन विकास अधिकारी (वि) यांची पंचायत समिती वरोरा येथून पावसाळा संपेपर्यंत कार्यमुक्त करण्यात येवू नये, हि विनंती.

6. According to the Id. C.P.O. in all probability because of the letter at A-7 the applicant has not been relieved so far though more than three months have passed from passing the impugned order of transfer.

7. It is submitted on behalf of the applicant that from tenor of letter at A-7 it cannot be inferred that any attempt was made to deliberately delay implementation of the impugned order.

8. The Id. C.P.O. has placed on record communication dated 08.08.2023 made by respondent no. 3 to District Live Stock Development Officer, Z.P., Chandrapur. By this communication explanation was called from

District Live Stock Development Officer, Z.P., Chandrapur as to why, inspite of reminders transfer order of the applicant was not implemented. This communication further states that failure to implement the transfer order of the applicant could invite disciplinary action.

9. Explanation furnished by District Live Stock Development Officer, Z.P., Chandrapur dated 09.08.2023 is also placed on record. This explanation *inter alia* states:-

"संदर्भीय क्रमांक 2 अन्वये प्राप्त कारणे दाखवा नोटीस अनुषंगाने दिनांक 10/07/2023 रोजी डॉ. आनंद सिताराम नेवारे, पशुधन विकास अधिकारी (वि), पं.स. वरोरा, ता.वरोरा, जि. चंद्रपूर यांना भारमुक्त करण्याबाबत पुनश्च नस्ती सादर करण्यात आली परंतु मा. मु.का.अ. महोदयांनी नस्तीवर चर्चा करा असा अभिप्राय नोंदविला तसेच मा. आमदार श्रीमती प्रतिभा सुरेश धानोरकर, यांच्या दिनांक 14/07/2023 च्या पत्रावर "पत्रानुसार योग्य कार्यवाही करावी असा अभिप्राय नोंदविला आहे.

तसेच मा. पालकमंत्री महोदयांच्या झालेल्या आढावा सभेत मा. जिल्हाधिकारी व मा. मुख्य कार्यकारी महोदयांना 'बदली झालेल्या अधिकारी/कर्मचारी यांच्या ठिकाणी कार्यमोचक रुजू होत नाही तोपर्यंत भारमुक्त करण्यात येवू नये' सूचना दिलेल्या आहेत."

Having regard to both the communications dated 08.08.2023 and 09.08.2023 mentioned above, I have come to the conclusion that interim order sought by the applicant i.e. not to relieve him from his present post cannot be granted.

10. It is further submitted on behalf of the applicant that respondent no. 1 be directed to decide both his representations within the time to be stipulated by this Tribunal. Respondent no. 1 shall decide representations dated 07.04.2023 and 16.05.2023 made by the applicant within one month from today.

11. Issue notice to Respondents, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. **S.O. two weeks.**

18. **Steno copy is granted.**

Member (J)

Date:- 18/08/2023.

aps.

O.A. No.340/2023 (D.B.)

(Shilpa w/o Amit Janak & Ors. Vs. State of Mah. & Ors.)

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

Dated : 18/08/2023.

C.A. 385/2023 -

Heard Shri S.M. Khan, learned counsel for applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

2. By this O.A., the applicant has challenged the recruitment process advertised by the respondents dated 19/12/2022 (P-39). By the said advertisement, the respondents wanted to fill 22 posts by direct recruitment in the cadre of Assistant Geologist.

3. The learned counsel for applicants submits that the applicants are eligible for promotion and as per the recruitment rules, the respondents can fill the posts of Assistant Geologist by 50:50 ratio. He has pointed out the Recruitment Rules of Rural Development Department dated 17th July,1976. The Rules (iv) (12) and (13) of the recruitment rules of Assistant Geologist are reproduced as below –

“(12) Appointment to the post of Assistant Geologist shall be made either –

(a) by promotion of suitable Geological Assistant in the Ground Water surveys and Development Agency with not less than 3 years service as such to his credit ; or

(b) by nomination from among candidate who–

(i) unless already in the service of the Government of Maharashtra are not more than 35 years of age and

(ii) possess a post graduate degree in Geology or Applied Geology of recognised University by the State Government or diploma in Geology or Applied Geology of the Indian School of Mine Dhanbad or any other recognised equivalent qualifications.

Provided that preference may be given to candidates who possess previous practical experience of field work in Hydrogeology or have published papers in any branch of the subject.

Provided further that the age limit may be relaxed in the case of candidates with exceptional qualifications or experience or both.

(13) The appointment shall be made by nomination and by promotion in the ratio of 1:1 (50:50)."

4. Heard Shri A.M. Ghogre, learned P.O. for the respondents. He has pointed out the communication dated 10/08/2023. It is taken on record and marked Exh-X for identification. As per his submission, 36 posts are available for direct recruitment and 63 posts are to be filled by promotion. Out of 36 posts, only 22 posts are advertised. The respondents have not advertised total vacant 99 posts including the posts reserved for promotion. The respondents have advertised only 22 posts out of 36 posts and 63 posts reserved for promotion are kept vacant. Therefore, there is no encroachment of right of the applicant and hence the recruitment process cannot be stayed. There is no dispute that 63 posts which are reserved for promotion are still kept vacant. 36 posts by nomination are vacant and out of 36 posts only 22 posts are to be filled as per the recruitment advertised by the respondents. Hence, there is no any encroachment as raised by the applicant.

5. Heard Shri S.M. Khan, learned counsel for applicants. He has pointed out the Judgment of Hon'ble Supreme Court in the case of **State of U.P. & Ors. Vs. Arvind Kumar Srivastava & Ors. (2015) 1 SCC 347**. The Hon'ble Supreme Court has held that "normal rule is that when a particular set of employees is given relief by Court, all other identically situated persons should be treated alike by extending same benefit since not doing so would amount to discrimination----".

6. The cited Judgment is not applicable in the present matter. The recruitment process initiated by the applicant cannot be said to be illegal. Hence, the C.A. is disposed of.

O.A. No.340/2023 –

S.O. three weeks.

Vice Chairman

dnk.**