

O.A. 147/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri S.U. Ghude, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2.

At the request of learned counsel for the applicant, **S.O. After Vacation.**

Vice Chairman

dnk.

O.A. 302/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Smt. Charlewar, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for other respondents.

At the request of learned counsel for the applicant, **S.O. 23/12/2022.**

Vice Chairman

dnk.

O.A. 351/2018 (S.B.)

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

Dated : 19/12/2022.

Heard Shri S. Bhangale, Id. counsel holding for Shri A.S. Dhore, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.S .Fale, Id. counsel for R-4.

2. It appears that on last 2-3 dates the matter was adjourned at the request of learned counsel for the applicant and fixed dates are given as per his convenience. On the last date, at the request of Id. counsel for applicant the matter is fixed today. Today also learned counsel for applicant sought time. The matter is part heard.

3. The learned counsel for respondent no.4 submits that he is coming from Pandharkawada. In this situation, the matter is fixed on 22/12/2022. On that day, the matter will be heard and no adjournment will be granted.

4. The matter be kept **high on board** on **22/12/2022.**

Vice Chairman

dnk.

O.A. 496/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri A.P. Kalmegh, 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. 20/12/2022.**

Vice Chairman

dnk.

O.A. 315/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri R.M. Nikure, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

The Id. counsel seeks further time. The Id. P.O. also seeks time to file reply.

S.O. four weeks.

Vice Chairman

dnk.

O.A. 584/2020 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Motlog, Id. counsel holding for Shri A.C. Dharmadhikari, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

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

Vice Chairman

dnk.

O.A. 797/2019 (S.B.)

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

Dated : 19/12/2022.

Heard Shri B.B. Pantawane, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. After Vacation.**

Vice Chairman

dnk.

O.As. 256,257 & 258 of 2019 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

The Id. counsel for applicants submits that he will carry out the amendment today itself.

S.O. After Vacation.

Put up along with O.A. 483/2018.

Vice Chairman

dnk.

O.A. 483 of 2018 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

S.O. After Vacation.

Put up along with connected matters.

Vice Chairman

dnk.

O.A. 346 of 2019 (S.B.)

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

Dated : 19/12/2022.

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

At the request of Id. counsel for applicant, **S.O. three weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 682/2020 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Kaslikar, Id. counsel holding for Shri Kothale, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2&3.

Shri T.M. Zaheer, Id. counsel files reply of R-2&3. It is taken on record.

At the request of Id. counsel for applicant, **S.O. 16/1/2023.**

Vice Chairman

dnk.

O.A. 516/2021 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

On the last three dates the Id. P.O. submitted that he will file reply. On 29/11/2022 last chance was given to file reply, but today also reply is not filed.

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

In the meantime, the respondents may file reply.

S.O. 2nd week of January, 2023.

Vice Chairman

dnk.

O.A. 711/2021 (S.B.)

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

Dated : 19/12/2022.

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

The Id. P.O. files reply of R-1 to 3. It is taken on record.

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

S.O. in due course.

I.R. to continue till next date.

Vice Chairman

dnk.

O.A. 721/2021 (S.B.)

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

Dated : 19/12/2022.

Heard Shri J.S. Wankhede, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

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

S.O. 5/1/2023.

Vice Chairman

dnk.

O.A. 848/2021 (S.B.)

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

Dated : 19/12/2022.

Heard Shri S.A. Marathe, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

S.O. 23/12/2022.

Vice Chairman

dnk.

O.A. 934/2021 (S.B.)

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

Dated : 19/12/2022.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. files reply of R-2&3. It is taken on record. The Id. P.O. submits that it is sufficient to decide the matter.

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

S.O. in due course.

Vice Chairman

dnk.

O.A. 985/2021 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Kothale, Id. counsel holding
for Shri V.A. Kothale, Id. counsel for applicant
and Shri A.M. Khadatkar, Id. P.O. for
respondents.

At the request of Id. P.O., **S.O. 2/1/2023**
for filing reply.

Vice Chairman

dnk.

O.A. 464/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri N.A. Waghmare, Id. counsel holding for Shri P.B. Patil, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for respondents.

As per submission of Id. counsel for applicant, the matter is covered by this Tribunal and Judgment of Hon'ble High Court.

The Id. P.O. seeks time to file reply. On the earlier date, last chance was granted to file reply.

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

S.O. 2/1/2023.

Vice Chairman

dnk.

O.A. 673/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri G.G. Bade, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O .for respondents.

At the request of Id. P.O., **S.O. 3/1/2023** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 908/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Kaslikar, Id. counsel for applicant, Shri Khadatkar, Id. P.O. for R-1 to 3 and Shri M. Shaikh, Id. counsel for R-4. None for other respondent.

S.O. 9/1/2023.

Vice Chairman

dnk.

O.A. 968/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Motlog, Id. counsel holding
for Shri Shiralkar, Id. counsel for applicant and
Shri Khadatkar, Id. P.O .for respondents.

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

Vice Chairman

dnk.

O.A. 888/2022 (S.B.)

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

Dated : 19/12/2022.

None for applicant. 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. 980/2022 (S.B.)

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

Dated : 19/12/2022.

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

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

Vice Chairman

dnk.

O.A. 1076/2022 (S.B.)

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

Dated : 19/12/2022.

None for applicant. Heard Shri Khadatkar, Id. P.O. for R-1. Await service of R-2 to 7.

On the last date, none appeared for the applicant.

S.O. after three weeks.

Vice Chairman

dnk.

O.A. 11302022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri A.M. Khadatkhar, Id. P.O. for State.

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

Vice Chairman

dnk.

O.A. 1197/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for State.

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

Vice Chairman

dnk.

O.A. 888/2021 (S.B.)

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

Dated : 19/12/2022.

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

At the request of learned P.O., **S.O.**
After Vacation.

Vice Chairman

dnk.

O.A. 135/2020 (S.B.)

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

Dated : 19/12/2022.

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

S.O. After Vacation.

Vice Chairman

dnk.

O.As. 144 & 145 of 2020 (S.B.)

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

Dated : 19/12/2022.

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

At the request of learned P.O., **S.O.**
After Vacation.

Vice Chairman

dnk.

O.A. 268/2020 (S.B.)

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

Dated : 19/12/2022.

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

At the request of learned P.O., **S.O.
After Vacation.**

Lateron –

Shri S.P. Palshikar, Id. counsel for applicant appeared.

S.O. After Vacation.

Vice Chairman

dnk.

O.A. 1003/2021 (S.B.)

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

Dated : 19/12/2022.

Heard Shri M.G.Burde, Id. counsel for applicant and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 3/1/2023.**

Vice Chairman

dnk.

O.A. 236/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Kothale, Id. counsel holding
for Shri P.S. Patil, Id. counsel for applicants and
Shri A.M. Khadatkhar, Id. P.O. for the
respondents.

At the request of Id. counsel for
applicants, **S.O. 2/1/2023.**

Vice Chairman

dnk.

O.A. 446/2022 (S.B.)

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

Dated : 19/12/2022.

Herd Shri S. Borkute, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. After Vacation.**

Vice Chairman

dnk.

O.A. 598/2022 (S.B.)

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

Dated : 19/12/2022.

Heard Shri Kothale, Id. counsel holding
for Shri Dapurkar, Id. counsel for applicant and
Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 9/1/2023.**

Vice Chairman

dnk.

O.A.No.114/2020 (D.B.)

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

Dated : 19/12/2022.

Heard Shri Kaslikar holding for Shri P.A.Kadu, ld. Counsel for the applicant, Shri S.A.Sainis, ld. P.O. for the respondents, Shri S.M.Pande, ld. Counsel for the R-3 and Shri J.S.Wankhede, ld. Counsel for the intervenor. None for the R-4.

2. At the request of ld. Counsel for the applicant, **S.O. after winter vacation.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.749/2020 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.S.Dhengale, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. None for the R-5.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. in due course.**

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

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.347/2021 (D.B.)

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

Dated : 19/12/2022.

Heard Shri A.A.Potnis holding for Shri A.M.Sudame, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Smt. M.P.Munshi, ld. Counsel for the R-3.

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

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.242/2022 (D.B.)

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

Dated : 19/12/2022.

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

2. Sufficient time has been given to file reply. However, today also Id. P.O. desires to file reply, three weeks time is granted on the condition that if reply is not file till next date the matter be heard on merit.

3. **S.O. 17.01.2023.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.453/2022 (D.B.)

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

Dated : 19/12/2022.

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

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

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.802/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.N.Gaikwad holding for Shri V.B.Gawali, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

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

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.1037/2022 (D.B.)

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

Dated : 19/12/2022.

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

2. At the request of ld. C.P.O., **S.O. 03rd Week of January, 2023 to file reply.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.1042/2022 (D.B.)

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

Dated : 19/12/2022.

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

2. At the request of ld. C.P.O., **S.O. after winter vacation to file reply.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

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

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

Dated : 19/12/2022.

None for the applicant. Shri S.A.Deo, ld. C.P.O.
for the respondents and Shri S.A.Marathe, ld. Counsel
for the R-5. Await service of R-2 to 4.

2. **S.O. four weeks to file service affidavit.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.1119/2022 (D.B.)

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

Dated : 19/12/2022.

C.A.No.521/2022:-

Heard Shri N.B.Kalwaghe and Shri S.N.Gaikwad, Id. Counsels for the applicant, Shri S.A.Deo, Id. C.P.O. for the respondents and Shri S.S.Ghate, Id. Counsel for the R-4 & 5. Await service of R-2 & 3.

2. Ld. Counsel for the respondent nos. 4 & 5 have filed reply. It is taken on record. Copy is served to the other side.

3. Ld. C.P.O. has filed order in O.A. No. 826/2022 of M.A.T., Aurangabad Bench delivered on 08.12.2022. Ld. C.P.O. has mainly relied on paras 16 & 18 of the order of M.A.T., Aurangabad Bench which is reproduced below:-

16. Learned C.P.O. also made reference to provisions of para (१) of the G.R. dated 01.08.2022 and mentioned that in view of a large number of objections received to the provisional seniority list as on 01.01.2022, the process of finalization of the said seniority list may take more time. Therefore, promotions of Junior Engineers to the posts of Sub-Divisional Engineers/ Sub Divisional Officers on temporary basis, as per provisions of para (१) of the GR dated 01.08.2022 may be permitted by vacating the interim order.

18. CONCLUSION:- Based on facts on record and oral submissions made, in our considered opinion, the applicants in the original application have been taking inconsistent and self-contradictory stands, to be more accurate, are using this forum for adjudication for the purpose of bargaining over-looking all the background facts that the applicants have not taken objections to final seniority list published in year 2006 and to the provisional seniority list as on 01.01.2022. The applicants have cited representations made by two other employees to the final seniority list published in the year 2006

who are not parties to the present dispute and without even cursorily scrutinizing their claims in view of the 'seniority rules'. Stand taken by them in the light of provisions of para (ख), clause 5.2.1 is self-contradictory from case to case of parties in the present dispute and are using the same for bargaining keeping two posts vacant for the applicants. The applicants have not responded to the applicability of provisions of para (घ) of the GR dated 01.08.2019. Therefore, in our considered opinion, there is no merit in extending cloak of interim relief/ order in the OA No. 826/2022 and the same deserves to be vacated with immediate effect. Interest of the applicants can be protected by making the promotion given on the basis of provisional seniority list subject to outcome of the O.A. No. 826/2022. Hence, following order is being passed:-

ORDER

The M.A. Nos. 480/2022, 481/2022, 530/2022, 531/2022 and 532/2022 all in O.A. No. 826/2022 are allowed in following terms :-

A) Applicants in O.A. No. 826/2022 are, hereby, directed to join the applicants in the said M.A. Nos. 480, 481, 531 & 532 as party respondents by amending the O.A. within a week's time.

B) Interim orders / reliefs granted in the O.A. No. 826/2022 and extended from time to time is being vacated forthwith.

C) Respondent Authorities may issue temporary promotion orders to the Junior Engineers in the select list to the posts of Sub Divisional Engineers/Sub Divisional Officers, in complete adherence to provisions of para (घ) of the G.R. dated 01.08.2019. Accordingly, temporary promotion orders, if any, issued by respondent authorities, shall be subject to outcome of this O.A.

D) Accordingly, M.A. Nos. 480/2022, 481/2022, 530/2022, 531/2022 and 532/2022 all in O.A. No. 826/2022 stand disposed of with no order as to costs.

E) The Original Application No. 826/2022 be fixed for final hearing on 10.01.2023.

4. In view of aforesaid situation, order dated 13.12.2022 para 6 is partially modified. Respondent no. 1 is permitted to go ahead with the promotion of respondent nos. 4 & 5. However, in the order of promotion of respondent nos. 4 & 5 it should be made clear that their promotion is subject to outcome of this Original Application.

5. **C.A.No. 521/2022 is allowed in these terms and disposed of.**

6. **S.O. 10.01.2023.**

7. **Registry is directed to keep this matter before this bench only.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.1128/2022 (D.B.)

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

Dated : 19/12/2022.

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

2. At the request of ld. C.P.O., **S.O. three weeks to file reply.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.1150/2022 with

C.A.No.484/2022 in O.A. No. 1151/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.N.Walde, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. C.A.No.484/2022 for urgent hearing is allowed and disposed of.

3. At the request of ld. P.O., S.O. three weeks to file reply.

**Member(J)
Date:-19/12/2022.
aps.**

Vice Chairman

C.A.No.506/2022 in Rev. St. No. 2720/2022 in

O.A.No.197/2017 (D.B.)

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

Dated : 19/12/2022.

Heard Shri M.I.Khan, Id. Counsel for the applicant (Original Respondent). None for the respondent (Original Applicant).

2. Notice on C.A. to Respondents be issued returnable in **four weeks**.

3. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal.

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. four weeks.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

C.A.No.429/2018 in Rev.St.No.796/2018 in

O.A.No.256/2009 (D.B.)

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

Dated : 19/12/2022.

Heard Shri Y.M.Pardhi holding for Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Ld. Counsel for the applicant submits that he will file service affidavit during the course of the day.

3. At the request of ld. P.O., **S.O. four weeks to file reply.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

C.A.No.464/2022 in Rev.St.2461/2022 in

O.A.No.197/2018 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. Await service of R-2 to 4.

2. At the request of ld. P.O., **S.O. four weeks to file reply.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

R.A.No.22/2021 in C.P.No.17/2019 in

O.A.No.516/2017 (D.B.)

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

Dated : 19/12/2022.

Heard Shri D.S.Sawarkar, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. Await service of R-1.

2. At the request of ld. P.O., **S.O. after winter vacation to file service affidavit.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.663/2017 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.A.Marathe, ld. Counsel for the applicant nos. 3 & 4 and Shri H.K.Pande, ld. P.O. for the respondents. None for the applicant nos. 1 & 2. Shri G.G.Bade, ld. Counsel for the R-4, 5, 9 & 10. None for the R-6, 7 & 8.

2. At the request of ld. P.O., **S.O. after winter vacation.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.702/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri N.S.Warulkar, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents. None for the R-2. None for the R-3 & 4.

2. The Id. P.O. was asked to comply the para nos. 2 & 3 of order dated 02.12.2022 before next date of hearing, **S.O. 05.01.2023.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.1100/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the State.

2. Issue notice to Respondents, returnable on three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

8. **S.O. three weeks.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.710/2018 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.M.Khan, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 17.01.2023** for final hearing.

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.24/2015 (D.B.)

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

Dated : 19/12/2022.

Heard Shri R.A.Gupte, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 18.01.2023 for file judgment of MAT, Principal Bench.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.Nos.318/2015&777/2016 (D.B.)

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

Dated : 19/12/2022.

Heard Shri D.S.Sawarkar, ld. Counsel for the applicant in O.A. No. 318/2015, Shri S.N.Gaikwad holding for Shri K.S.Motwani, ld. Counsel for the applicant in O.A. No. 777/2016. Shri M.I.Khan, ld. P.O. for the respondents. Shri S.N.Gaikwad holding for Shri K.S.Motwani, ld. Counsel for the R-4 in O.A. No. 318/2015 and Shri D.S.Sawarkar, ld. Counsel for the R-4 in O.A. No. 777/2016.

2. At the request of ld. Counsel for the applicant in O.A. No. 777/2016, **S.O. 23.01.2023 for final hearing.**

3. **No further adjournment will be granted in this matter.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.701/2018 (D.B.)

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

Dated : 19/12/2022.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents. None for the R-3 & 4.

2. At the request of ld. P.O., **S.O. after winter vacation for final hearing.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.60/2019 (D.B.)

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

Dated : 19/12/2022.

Heard Shri Kaslikar holding for Shri P.A.Kadu, ld. Counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents and Shri S.N.Gaikwad, ld. Counsel for the R-4.

2. At the request of ld. Counsel for the applicant, **S.O. after winter vacation for final hearing.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.Nos.97&98/2019 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant in O.A. No. 97/2019. None for applicant in O.A. No. 98/2019. Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after winter vacation for final hearing.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.419/2019 (D.B.)

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

Dated : 19/12/2022.

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

2. Ld. P.O. is directed to take instructions about relief Clause "A" and submit before the Bench. **S.O. 11.01.2023.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.140/2020 (D.B.)

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

Dated : 19/12/2022.

Heard Shri T.L.Pandey, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 02nd week of winter vacation for final hearing.**

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

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.Nos.191&192/2020 (D.B.)

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

Dated : 19/12/2022.

Heard Shri R.Kadu, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 02nd week of winter vacation for final hearing.**

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

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.686/2020 (D.B.)

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

Dated : 19/12/2022.

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

2. At the request of ld. Counsel for the applicant, **S.O. 02.01.2023 for final hearing. It be kept at high on board.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.385/2021 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 11.01.2023** for final hearing.

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.386/2021 (D.B.)

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

Dated : 19/12/2022.

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

2. At the request of ld. P.O., **S.O. after winter vacation for final hearing.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.900/2021 (D.B.)

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

Dated : 19/12/2022.

Heard Shri S.A.Marathe, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 18.01.2023** for final hearing.

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.915/2021 (D.B.)

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

Dated : 19/12/2022.

Heard Smt. Charlewar, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents, Shri G.G.Bade, ld. Counsel for the R-6 & 7. None for the R-5.

2. At the request of ld. P.O., **S.O. 03.01.2023 for final hearing.**

3. **I.R. is to be continued.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.43/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri A.P.Khadatkar, Id. Counsel for the applicant, Shri M.I.Khan, Id. P.O. for the respondents and Shri H.D.Marathe, Id. Counsel for the R-3 to 6.

2. Ld. Counsel for the applicant has filed Rejoinder. It is taken on record. Copy is served to the other side.

3. At the request of Id. Counsel for the R-3 to 6,
S.O. after winter vacation for reply on rejoinder.

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.132/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri B.S.Sirsat, applicant in person and Shri S.A.Sainis, Id. P.O. for the respondents.

2. Applicant has filed Rejoinder on 19.12.2022 (PP. 61 to 62). Mainly in para 7, he submits that if he cannot be given promotion to Agriculture Assistant post he may be granted promotion to the post of Tracer, Class-III. Id. P.O. is directed to take instructions from the department whether department can promote him on Tracer post as per seniority and merit.

3. **S.O. 11.01.2023.**

4. **Steno copy is granted.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.583/2022 (D.B.)

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

Dated : 19/12/2022.

Heard Shri R.V.Shiralkar and Shri V.Dongre,
ld. Counsels for the applicant and Shri
A.M.Khadatkar, ld. P.O. for the respondents.

2. By way of Interim Relief following prayer is
made by the applicant:-

*“During the pendency and final disposal of the original
application stay the proceedings of departmental
enquiry initiated vide charge sheet dated 20.10.2021.”*

3. In support of grant of interim relief the
applicant has relied on the judgment passed by the
Hon’ble Bombay High Court in W.P. No. 2111/2012.
In this Judgment it is held :-

*“In our view, the impugned circular
dated 12.07.2021, exercising the powers
under Rule 44(1)(i) of the Rules being
contrary to sections 34, 35 and 69 of the
Registration Act, thus, deserves to be quashed
and set aside. Rule 44(1)(i) of Rules deserves
to be read down and not required to be
followed by registering authority while
registering the document under sections 34
r/w Section 35 of the Registration Act.*

*In our view, the registering authority
cannot refuse to register the document by*

*placing reliance on Rule 44(1)(i) of the Rules
or impugned circular dated 12.07.2021.”*

It is further submitted that by relying on the above referred judgment Single Bench of this Tribunal has passed an interim order on 30.09.2022 in O.A. No. 986/2022. Copy of said order is filed in this O.A.

4. In reply it is submitted by the ld. P.O. that the judgment in W.P. No. 2111/2022 is under reconsideration by the Hon'ble High Court in a Review Application which is pending.

5. After considering rival submissions we have come to the conclusion that case is made out for grant of interim relief as prayed. Hence the order:-

O R D E R

i) During the pendency of this original application the proceeding of departmental inquiry initiated by chargesheet dated 20.10.2021 shall stand stayed.

ii) **S.O. 18.01.2023.**

iii) Steno copy is granted.

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman

O.A.No.735/2022 (D.B.)

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

Dated : 19/12/2022.

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

2. At the request of ld. P.O., **S.O. after winter vacation for final hearing.**

Member(J)
Date:-19/12/2022.
aps.

Vice Chairman