

O.A. No.59/2022 (S.B.)

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

Dated : 22/08/2023.

Shri S.P. Palshikar, Id. Counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. Counsel for applicants, **S.O. after two weeks** along with O.A.Nos. 801 and 802 of 2022.

Vice Chairman

dnk.

O.A. No.466/2021 (S.B.)

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

Dated : 22/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.210/2021 (S.B.)

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

Dated : 22/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.449/2023 (S.B.)

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

Dated : 22/08/2023.

Shri P.P. Khaparde, Id. Counsel holding
for Shri G.G. Bade, Id. Counsel for the
applicants and Shri M.I. Khan, Id. P.O. for R-1 to
3. None for other respondents.

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

Vice Chairman

dnk.

O.A. No.760/2020 (S.B.)

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

Dated : 22/08/2023.

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

At the request of Id. Counsel for applicant, **S.O. 5/9/2023.**

Vice Chairman

dnk.

O.A. No.724/2014 (S.B.)

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

Dated : 22/08/2023.

Ku. A. Macchirke, Id. Counsel holding for
Shri S.D. Malke, Id. Counsel for the applicants
and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.822/2022 (S.B.)

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

Dated : 22/08/2023.

Smt. Charlewar, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for other respondents.

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

Vice Chairman

dnk.

O.As.711,712,713 & 714 of 2023 (S.B.)

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

Dated : 22/08/2023.

Shri R.M. Fating, Id. Counsel holding for
Shri P.Ramteke, Id. Counsel for the applicants
and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.1001/2022 (S.B.)

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

Dated : 22/08/2023.

Shri R.M. Fating, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. None for other respondents.

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

Vice Chairman

dnk.

O.As. 126 & 189 of 2015 (S.B.)

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

Dated : 22/08/2023.

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

At the request of Id. Counsel for applicants, **S.O. 8/9/2023.**

Vice Chairman

dnk.

O.A. No.938/2021 (S.B.)

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

Dated : 22/08/2023.

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

At the request of Id. P.O. **S.O. 8/9/2023.**

Vice Chairman

dnk.

C.A. 74/2020 in O.A. No.1022/2019 (S.B.)

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

Dated : 22/08/2023.

Shri Chandrikapure, Id. Counsel appears and submits that he has filed vakalatnama on behalf of applicant. Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. Counsel for applicant, **S.O. 12/09/2023.**

Vice Chairman

dnk.

O.A. No.486/2021 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.N. Gaikwad, Id. Counsel for applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 6.

2. At the request of Id. Counsel for applicant, issue fresh notice to the respondent nos.2 to 6 returnable **after four 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 four weeks.

Put up along with connected matter.

Vice Chairman

dnk.

O.A. No.487/2021 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.N. Gaikwad, Id. Counsel for applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 5.

2. At the request of Id. Counsel for applicant, issue fresh notice to the respondent nos.2 to 5 returnable **after four 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 four weeks.

Put up along with connected matter.

Vice Chairman

dnk.

O.A. No.57/2022 (S.B.)

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

Dated : 22/08/2023.

Shri R.M. Fating, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.158/2022 (S.B.)

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

Dated : 22/08/2023.

Shri N.R. Saboo, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for applicant submitted that the respondents are served and he has filed service affidavit.

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

Vice Chairman

dnk.

O.A. No.1198/2022 (S.B.)

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

Dated : 22/08/2023.

R.R. Evnate, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

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

Vice Chairman

dnk.

O.A. No.1260/2022 (S.B.)

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

Dated : 22/08/2023.

Shri R.M. Fating, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.108/2023 (S.B.)

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

Dated : 22/08/2023.

Gaikwad, Id. Counsel for applicants, Shri M.I. Khan, Id. P.O. for R-1 to 4 and A. Deshpande, Id. Counsel holding for Patil, Id. Counsel for R-5.

2. On last date specific order was passed that no further adjournment will be granted for filing reply and matter will be admitted for final hearing. Today also the respondents have not filed reply.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 to 4.

S.O. in due course.

Vice Chairman

dnk.

O.A. No.186/2023 (S.B.)

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

Dated : 22/08/2023.

A. Kuril, Id. Counsel for applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri M.L. Vairagade, Id. Counsel holding for N.M. Kolhe, Id. Counsel for R-2&3.

At the request of Id. Counsel for R-2 and 3, **S.O. two weeks.**

Vice Chairman

dnk.

O.A. No.227/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.325/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.524/2023 (S.B.)

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

Dated : 22/08/2023.

Shri G.O. Gadge, Id. Counsel holding for
Shri N.R. Saboo, Id. Counsel for the applicant
and Shri A.M. Khadatkar, Id. P.O. for the
respondents.

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

Vice Chairman

dnk.

O.A. No.608/2023 (S.B.)

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

Dated : 22/08/2023.

Shri G.O. Gadge, Id. Counsel holding for
Shri P.S. Kshirsagar, Id. Counsel for the
applicant and Shri A.M. Khadatkhar, Id. P.O. for
the respondents.

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

Vice Chairman

dnk.

O.A. No.666/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.736/2023 (S.B.)

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

Dated : 22/08/2023.

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

At the request of Id. P.O., **S.O.**
11/09/2023 for filing reply.

Vice Chairman

dnk.

O.A. No.823/2023 (S.B.)

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

Dated : 22/08/2023.

Shri S.M. Pande, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.942/2020 (S.B.)

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

Dated : 22/08/2023.

C.A. 281/2021 -

Heard Shri S. Wahane, Id. Counsel for applicants and Shri A.M .Khadatkar, Id. P.O. for R-1.

All applicants seeking common relief. Hence, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A. No.942/2020 -

Heard Shri S. Wahane, Id. Counsel for applicants and Shri A.M .Khadatkar, Id. P.O. for R-1.

The Id. P.O. files reply of R-2. It is taken on record. The Id. P.O. submits that said reply 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. 11/9/2023.

Vice Chairman

dnk.

O.A. No.1104/2022 (S.B.)

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

Dated : 22/08/2023.

Shri A.P. Sadavarte, Id. Counsel for applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

Vice Chairman

dnk.

(S.B.)

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

Dated : 22/08/2023.

**Rev.A. 26/19 in O.A.1004/18, Rev.A.27/19 in
O.A.1005/18 & Rev.A.28/19 in O.A. 1006/18 -**

Shri N. Majethia, Id. Counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

By consent of learned counsel for both the parties, **S.O. after three weeks.**

Vice Chairman

dnk.

(S.B.)

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

Dated : 22/08/2023.

**O.A.Nos. 877/2017,880/2017, O.A.107/18 with
C.A.283/22, O.As.108/18,392/21 & 395/21 -**

Heard Shri M.R. Johrapurkar, Id.
Counsel for the applicants and Shri H.K. Pande,
Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.
30/08/2023 (PH).**

Vice Chairman

dnk.

O.A. No.773/2019 (S.B.)

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

Dated : 22/08/2023.

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. No.247/2020 (S.B.)

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

Dated : 22/08/2023.

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

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.147/2022 (S.B.)

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

Dated : 22/08/2023.

Shri S.A. Radke, Id. Counsel holding for
Shri S.U. Ghude, Id. Counsel for the applicant,
Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri
T.M. Zaheer, Id .counsel for R-2.

2. Shri S.A. Radke, Id. Counsel submits
that Adv. Shri Ghude is not keeping well. At his
request, **S.O. after two weeks.**

Vice Chairman

dnk.

O.A. No.258/2022 (S.B.)

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

Dated : 22/08/2023.

Shri S.A. Radke, Id. Counsel holding for
Shri S.U. Ghude, Id. Counsel for the applicant,
Shri A.M. Khadatkhar, Id. P.O. for respondents.

2. Shri S.A. Radke, Id. Counsel submits
that Adv. Shri Ghude is not keeping well. At his
request, **S.O. after two weeks.**

Vice Chairman

dnk.

O.A. No.675/2022 (S.B.)

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

Dated : 22/08/2023.

Shri J.S. Wankhede, Id. Counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.1027/2022 (S.B.)

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

Dated : 22/08/2023.

Heard Shri B. Kulkarni, Id. Counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

Closed for orders.

Vice Chairman

dnk.

O.A. No.346/2023 (S.B.)

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

Dated : 22/08/2023.

Shri N.N. Thengre, Id. Counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 31/08/2023.**

Vice Chairman

dnk.

O.A. No.1077/2021 (S.B.)

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

Dated : 22/08/2023.

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

By consent of learned counsel for both the parties, **S.O. 31/8/2023 (PH).**

Vice Chairman

dnk.

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

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

Dated : 22/08/2023.

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

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.339/2023 (D.B.)

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

Dated : 22/08/2023.

Shri S.N. Chikhale, Id. Counsel holding
for Shri P.A. Kadu, Id. Counsel for applicants
and Shri H.K. Pande, Id. P.O. for respondents.

2. The learned counsel for applicant
submits that the inquiry is complete, only report
is to be submitted.

3. The learned P.O. is requested to get
instructions about progress of inquiry / final
order in inquiry within three weeks.

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.387/2023 (D.B.)

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

Dated : 22/08/2023.

Shri G.G. Bade, Id. Counsel for applicant
and Shri H.K. Pande, 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.450/2023 (D.B.)

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

Dated : 22/08/2023.

Shri G.K. Bhusari, Id. Counsel for applicant and Shri H.K. Pande, 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.650/2023 (D.B.)

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

Dated : 22/08/2023.

Shri Abhay Sambre, Id. Counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

Vice Chairman

dnk.

(D.B.)

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

Dated : 22/08/2023.

C.A. 408/23 in C.P. 58/23 in O.A.496/19

Heard Shri N.R. Saboo, Id. Counsel for applicants and Shri H.K. Pande, Id. P.O. for respondents.

2. The applicants want to make Principal Chief Conservator of Forest (PCCF), Nagpur as party and therefore they have filed C.A. for correction of description of respondent no.2.

3. It appears that the Principal Chief Conservator of Forest (PCCF), Nagpur was not party in the O.A. and therefore C.A. cannot be allowed.

4. In view of above, the C.A. is dismissed.

C.P. 58/23 in O.A.496/19 –

S.O. three weeks.

Vice Chairman

dnk.

(D.B.)

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

Dated : 22/08/2023.

C.A. 409/23 in C.P. 59/23 in O.A.497/19

Heard Shri N.R. Saboo, Id. Counsel for applicants and Shri H.K. Pande, Id. P.O. for respondents.

2. The applicants want to make Principal Chief Conservator of Forest (PCCF), Nagpur as party and therefore they have filed C.A. for correction of description of respondent no.2.

3. It appears that the Principal Chief Conservator of Forest (PCCF), Nagpur was not party in the O.A. and therefore C.A. cannot be allowed.

4. In view of above, the C.A. is dismissed.

C.P. 59/23 in O.A.497/19 –

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.810/2018 (D.B.)

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

Dated : 22/08/2023.

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

At the request of Id. Counsel for
applicant, **S.O. 5/9/2023.**

Vice Chairman

dnk.

O.A. No.997/2018 (D.B.)

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

Dated : 22/08/2023.

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

S.O. two weeks.

Vice Chairman

dnk.

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

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

Dated : 22/08/2023.

M. Rathi, Id. Counsel holding for Shri
P.B. Patil, Id. Counsel for applicants and Shri
M.I. Khan, Id. P.O. for respondents.

The matter be kept as and when regular
Division Bench is available.

Vice Chairman

dnk.

O.A. No.115/2022 (D.B.)

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

Dated : 22/08/2023.

Shri G.K. Bhusari, Id. Counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.947/2022 (D.B.)

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

Dated : 22/08/2023.

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

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

Vice Chairman

dnk.

O.A. No.1224/2022 (D.B.)

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

Dated : 22/08/2023.

Shri G.N. Khanzode, Id. Counsel for
applicant and Shri M.I. Khan, Id. P.O. for
respondents.

S.O. two weeks.

Vice Chairman

dnk.

O.A. No.52/2023 (D.B.)

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

Dated : 22/08/2023.

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

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.174/2023 (D.B.)

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

Dated : 22/08/2023.

Shri H.D. Futane, Id. Counsel for applicants and Shri M.I. Khan, Id. P.O. for respondents.

S.O. three weeks.

Vice Chairman

dnk.

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

(S.V. Tekade Vs. State of Mah. & ors.)

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

Dated : 22/08/2023.

ORDER

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

2. The objection was raised by the CPO that the O.A. is not maintainable on the ground that the applicant has already filed the appeal before the Appellate Authority and it is pending. He has pointed out the Section 20 of the Administrative Tribunals Act, 1985.

3. The learned counsel for applicant has pointed out the Judgment of this Tribunal in O.A.No.483/2022 and submits that without exhausting the remedy, the applicant can file the O.A. In support of her submission has pointed out the Judgment of Hon'ble Supreme Court in the case of ***D.B. Gohil Vs. Union of India & Ors. (2010) 12 SCC,301***. In O.A.No.483/2022, this Tribunal has relied on the Judgment of M.A.T., Bench at Aurangabad in O.A.115/2017. In the said Judgment, the Judgment of Hon'ble Bombay High Court in the case of ***State of Maharashtra Vs. Dr. Subhash Dhondiram Mane in reported in (2015 (4) Mh.L.J.,791*** was relied on. In para-7 of the Judgment in O.A.483/2022, it is clear that the applicant not availed any remedy. Without availing the remedy, he approached to the Tribunal. In the present matter, the applicant has availed the remedy, but it is not exhausted. The appeal is pending before the Appellate Authority.

4. The Hon'ble Supreme Court in the case of ***D.B. Gohil Vs. Union of India & Ors. (2010) 12 SCC,301*** has held in para-5 as under –

“(5) Section 20 (1) of the Administrative Tribunals Act, 1985 ("the Act", for short) provides that the Tribunal shall not ordinarily admit an application unless it is satisfied

that the appellant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. The use of words "Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules" in Section 20(1) of the Act makes it evident that in exceptional circumstances for reasons to be recorded the Tribunal can entertain applications filed without exhausting the remedy by way of appeal."

5. As per the Judgment of Hon'ble Supreme Court, the special reason is to be recorded by the Tribunal to entertain the O.A. before exhausting / availing the remedy available to the employee / applicant. The appeal of the applicant against the order of respondent no.3, i.e. Superintendent of Police, Amravati Gramin is pending and therefore the O.A. cannot be entertained without deciding the said appeal.

6. In view of above, the O.A. is dismissed. However, the respondent / Appellate Authority is directed to decide the appeal expeditiously.

Vice Chairman

dnk.

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

(Ku. Juhi D/o Pradip Tupkar Vs. State of Mah. & Ors.)

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

Dated : 22/08/2023.

ORDER

Heard Shri P.P. Kotwal, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the respondents.

2. The applicant has prayed for interim relief directing the respondents to keep one post vacant from Open (Women) reserved category.

3. The case of the applicant in short is as under –

4. The applicant has possessed the requisite qualification for the post of Planning Assistant. The respondents have advertised the post to be filled by direct recruitment as per the advertisement dated 28/03/2023. As per this advertisement, total 55 posts are to be filled. 16 posts are reserved for woman category and 3 posts are reserved for Sports persons and 36 posts are for Open (General) category. The applicant has filled the form stating that she does not want reservation in Open (Women) category. She has opted to appear in the Open (General) category.

5. After the advertisement, the applicant and other candidates appeared in the written examination. The applicant secured 142.614 marks. In the Open (General) category, the last candidate secured 147.990 marks. Therefore, she could not be appointed in Open (General) category. She has not opted for Open (Women) category. 16 posts are reserved for Open (Women) category. Therefore, the applicant is claiming that being a woman, she should be considered in the Open (Women) category. Her request is not considered by the

respondents. Therefore, she approached to this Tribunal for direction to the respondents to appoint her on the post of Planning Assistant in Open (women) category. By way of interim relief, she has prayed for direction to the respondents to keep one post vacant.

6. The reply is filed by the respondents. It is submitted by the respondents that the applicant has not opted to compete in Open (Women) reserved category. She has opted to compete in Open (General) category. When she found unsuccessful, thereafter she approached to this Tribunal. Hence, relief claimed by the applicant cannot be granted.

7. Heard Shri P.P. Kotwal, learned counsel for the applicant. He has pointed out various decisions of the Hon'ble High Court and Hon'ble Supreme Court. The material decision of the Hon'ble Supreme Court is in the case of **Saurav Yadav and others Vs. State of Uttar Pradesh and others (2021) 4 SCC,542**. Before the Judgment of **Saurav Yadav and others Vs. State of Uttar Pradesh and others**, there are other Judgments in the case of **Anil Kumar Gupta Vs. State of U.P., Indra Sawhney Vs. Union of India and Rajesh Kumar Daria Vs. Rajasthan Public Service Commission**. Ratio laid down in all the Judgments of the Hon'ble Supreme Court is that the Open category is to be filled by merit. Though the candidates opted for the reserved category, they can compete on the basis of merit in the Open category. For example, if the candidate of S.C., S.T. or N.T., O.B.C. category in the reserved category and obtained the marks more than the marks of the candidate in the Open (General) category, he/ she should be appointed as per the merit in the Open category and the seat which he/ she claims in the reserved category that should be filled by the reserved category candidate and not from the Open candidates.

8. The learned counsel for the applicant has submitted that the applicant being a woman, she should be given posting in Open (Women) reserved category. In support of his submission pointed out the Judgment of Hon'ble Supreme Court in the case of **Rajesh Kumar Daria Vs. Rajasthan Public Service Commission** and **Shantabai Laxman Doiphode Vs. State of Maharashtra and others, 2021 (1) Mh.L.J.,429**, decided by the Hon'ble Bombay High Court, Bench at Nagpur. In the case of **Shantabai Laxman Doiphode Vs. State of Maharashtra and others**, the applicant Shantabai had applied for the post of Assistant (Book) Binder in the category of N.T. (D). It was observed by the Hon'ble Bombay High Court that she had never denied other options. As per the advertisement, if the N.T. (D) female candidate is not available, then it is to be filled from male candidates. The advertisement is reproduced as under –

“(५) महिला आरक्षण हे समांतर आरक्षण/विशेष आरक्षण असल्यामुळे ते आडवे आरक्षण आहे. समांतर आरक्षण हे कप्पीकृत आरक्षण असल्यामुळे पदे भरण्यापूर्वी, पदे निश्चित करतांना तसेच भरतीची जाहिरात देतांना त्या जाहिरातीत महिला आरक्षणानुसार येणाऱ्या राखीव पदांची संख्या, सामाजिक आरक्षण/उभे आरक्षण यांच्या (जसे अ.जा., अ. ज., वि.जा. (अ), भ.ज. (ब), (क), (ड), वि.मा.प्र., इमाव आणि खुला प्रवर्ग) प्रत्येक वर्गामध्ये निर्दिष्ट करावी.

(६) महिलांसाठीचे सदर आरक्षण हे मागासवर्गीयांचे आरक्षण ज्या ज्या ठिकाणी लागू आहे त्या सर्व ठिकाणी लागू राहिल.

(७) भरतीच्या वर्षात त्या त्या प्रवर्गातील महिला उमेदवार उपलब्ध झाल्या नाहीत तर सदर आरक्षण इतरत्र अदलाबदल न करता त्या त्या प्रवर्गातील पुरुष उमेदवारांमार्फत भरण्यात यावे.”

9. In the advertisement, it is mentioned that if the woman candidates are not available, then said post should be filled from male candidates. The applicant Shantabai applied in reserved category therefore her claim was rejected and one of the male candidate was appointed on the post which was reserved for woman category. The contention of Shantabai was that being a woman, she had a right to be posted and priority should be given

to her against respondent no.4 who was the male candidate. Therefore the Hon'ble Bombay High Court directed to appoint her on the post which was reserved for female candidate. In the cited Judgment, though she had applied in the reserved N.T. (D) category, she could not secured the marks in reserved category, but one of the post which was reserved for female candidate, was filled by the respondents by selecting one of the male candidate. When the applicant Shantabai, female candidate was available, then selection of a male candidate in the quota of female candidate was absolutely wrong and therefore the Hon'ble Bombay High Court directed the respondents to appoint Shantabai on the post which was reserved for female candidate. During the course of submission, it was pointed out that one more post was vacant and therefore the male candidate who was appointed was also directed to be appointed on that post. Therefore, the ratio laid down in the cited Judgments is not applicable to the case in hand.

10. In all the Judgments pointed out by the side of applicant in the case of **Saurav Yadav and others Vs. State of Uttar Pradesh and others** etc. The ratio is laid down by the Hon'ble Supreme Court that the reserved candidates who applied in the reserved category can compete in the open category, but Open category candidate cannot claim on the basis of merit in the reserved category. Open category is to be filled as per the merit. One of the Judgments of the Hon'ble Bombay High Court, Bench at Nagpur cited by the side of applicant in the case of **Kanchan Vishwanath Jagtap Vs. Maharashtra Administrative Tribunal, Nagpur and others, 2016 (1) Mh.L.J.,934**. The Hon'ble Bombay High Court has held that "*advertisement for 6 posts out of which 2 posts were reserved for women category-- No compartmentalised the reservation—Petitioners- women belonged to reserved category--*

If Scheduled Castes category candidates if selected in Open competition on basis of their own merit, they will not be counted against quota reserved for Scheduled Castes-- They will be treated as open competition candidates—the meritorious candidates in women category belonging to reserved category cannot be denied benefit of their meritorious position.”

11. From these Judgments, it is clear that meritorious candidates from reserved category, can claim the post on the basis of merit in the Open category and that post should be kept vacant and another reserved category candidates should be appointed on that post.

12. The Judgments pointed out by the side of applicant, it is clear that there is nothing in the Judgment to show that Open category candidate can claim the benefit in the reserved category. Not a single Judgment is pointed out by the side applicant to show that the applicant, who opted in the Open (General) category, can claim that on the basis of merit she can claim in the reserved category. The applicant had opted to compete in the open category. In her form, she has specifically stated that she does not want reservation of Open (women) reserved category. Now she cannot claim that she should be posted in the Open (women) reserved category.

13. One more objection is raised by the respondents that some of the candidates who will be affected, should have been made party. In support of the submission, learned CPO Shri S.A. Deo has pointed out the Judgment of Hon'ble Supreme Court in the case of ***Jose Dhanapaul Vs. Thomas and Others (1996) 3 SCC,587***. The Hon'ble Supreme Court has held that “Cancellation of the appointment of a person by the State Administrative Tribunal in a proceeding in which that person was not impleaded as a party, held, amounted to grave error of law. The persons, who will be affected by the order, are necessary party.

14. In the present matter, the applicant could have made some of the candidates who will be affected by order of this Tribunal as a party. The Hon'ble Supreme Court in the case of **J.S. Yadav Vs. State of Uttar Pradesh and Ano. (2011) 6 SCC,570** has held that *"in service jurisprudence if an unsuccessful candidate challenges selection process, he is bound to implead at least some of successful candidates in representative capacity-- in case, services of a person are terminated and another person is appointed at his place, in order to get relief, person appointed at his place is the necessary party for even if petitioner-plaintiff succeeds, it may not be possible for court to issue direction to accommodate petitioner without removing person who filled up the post manned/ sought by petitioner- plaintiff."*

15. In the present matter, the applicant is claiming that last candidate in the Open (women) category has secured less marks than her and therefore she should be appointed in place of her.

16. In view of submission of applicant, the last candidate from Open (women) category is a necessary party in this Petition. Because, if the applicant is appointed in place of the last candidate in Open (women) category, then she will be affected and she has no any opportunity to submit her grievance before this Tribunal. Hence, on this ground also, the O.A. is liable to be dismissed.

17. Nothing is pointed out by the side of the applicant to show that Open category candidate can claim the seat reserved for a particular class /category. There is no dispute that a candidate from a reserved class /category can compete and claim the seat in Open category on the basis of merit. The applicant has secured less marks in the Open category. She has opted in her form that she will compete in Open (General) category and not in the

- 7 -

category which was reserved for Open (women) category and therefore she cannot claim that being a woman, she should be appointed in the category reserved for Open (women) category. Hence, interim relief cannot be granted. The prayer in respect of interim relief is rejected.

S.O. three weeks.

Vice Chairman

*dnk.

O.A.No.10/2023 (S.B.)

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

Dated : 22/08/2023.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.430/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri Sayajee, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the Respondents and Smt. U.A.Patil, Id. counsel for the R-6.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.770/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.Pande holding for Shri M.R.Rajgure, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.868/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

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

2. With this affidavit the applicant has placed on record some documents (collectively marked 'X').

3. Ld. P.O. submits that during the course of the day he will file reply. He seeks time of two weeks to file additional affidavit, **S.O. 07.09.2023.**

Date:- 22/08/2023.

aps.

Member (J)

M.C.A.No.32/2023inO.A.No.221/2017 (S.B.)

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

Dated : 22/08/2023.

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

2. Ld. counsel for the applicant states that he is not pressing the M.C.A.. Hence, **M.C.A. stands disposed of with no order as to costs.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.349/2019 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.P.Palshikar, 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. 30.08.2023 for final hearing.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.252/2020 (S.B.)

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

Dated : 22/08/2023.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.344/2020 (S.B.)

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

Dated : 22/08/2023.

Heard Shri G.K.Bhusari, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the Respondents and Shri H.D.Marathe, Id. counsel for the R-4.

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

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. None for the R-4.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.908/2020 (S.B.)

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

Dated : 22/08/2023.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.249/2021 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.P.Palshikar, 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. two weeks for final hearing.**

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.789/2020 (S.B.)

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

Dated : 22/08/2023.

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

2. The issue involved in this O.A. is pending determination at Aurangabad Bench of this Tribunal.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.510/2017 (S.B.)

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

Dated : 22/08/2023.

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
for final hearing.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.1017/2018 (S.B.)

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

Dated : 22/08/2023.

Heard Shri G.K.Bhusari, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. None for the R-3 & 4. None for the R-4.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.297/2019 (S.B.)

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

Dated : 22/08/2023.

Heard Shri Jain holding for Shri S.S.Dhengale,
Id. counsel for the applicant and Shri A.P.Potnis, 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:- 22/08/2023.

aps.

O.A.No.67/2019 (S.B.)

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

Dated : 22/08/2023.

Heard Ms. Uikey holding for Shri N.B.Rathod, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the Respondents.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.331/2021 (S.B.)

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

Dated : 22/08/2023.

Heard Shri V.G.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. 11.09.2023 for final hearing.**

3. **Papers of departmental enquiry be called.**

4. **Steno copy is granted.**

Date:- 22/08/2023.

aps.

Member (J)

O.A.No.672/2022 (S.B.)

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

Dated : 22/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the Respondents and Shri T.M.Zaheer, Id. counsel for the R-4.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.826/2022 (S.B.)

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

Dated : 22/08/2023.

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

2. Ld. counsel for the applicant has invited attention to following portion of para 6 of reply of the respondents (at P. 96):-

"It is submitted that the applicant was getting benefits of one step promotional pay benefit and also benefit of APS."

3. It is the contention of the applicant that it is factually incorrect that benefit of APS was extended to him. The impugned recovery is made by proceeding on a footing that such benefit was extended to the applicant. Ld. P.O. shall take instructions whether the pleading in para no. 6 is factually correct.

4. **S.O. 11.09.2023.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.874/2022 (S.B.)

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

Dated : 22/08/2023.

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

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

None for the applicant. Shri A.M.Khadatkar,
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:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

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

2. **Closed for orders.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.670/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Smt. Sirpurkar, Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the Respondents and Shri G.K.Bhusari, Id. counsel for the respondent no. 4.

2. On oral request of Id. P.O., **S.O. 23.08.2023 for final hearing.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.1066/2019 (S.B.)

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

Dated : 22/08/2023.

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

2. Ld. P.O. seeks time to take instructions and make statement in respect of calculation placed on record at P. 47 by the applicant.

3. **S.O. 07.09.2023.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.633/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. There is a leave note of Id. Counsel for the R-4. Shri R.D.Karode, Id. Counsel for the R-5.

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

3. **Interim relief to continue till next date.**

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

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

2. On oral request of Id. counsel for the applicant, **S.O. 24.08.2023 for final hearing.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.515/2022 (S.B.)

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

Dated : 22/08/2023.

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

2. The Id. P.O. states that pay fixation of the applicant is made and it is sent to Pay Verification Unit. It is further submitted that the pension case is expected to be finalized within two weeks.

3. **S.O. 06.09.2023.**

Date:- 22/08/2023.

aps.

Member (J)

O.A.Nos.1027/2021&87/2022 (S.B.)

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

Dated : 22/08/2023.

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

2. **Closed for orders.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.418/2020 (S.B.)

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

Dated : 22/08/2023.

Heard Shri P.K.Mishra, Id. counsel for the applicant, Shri H.K.Pande, Id. P.O. for the Respondents and Shri T.M.Zaheer, Id. Counsel for the R-2 & 3.

2. Ld. Counsel for the applicant has placed on record copy of judgement and order dated 13.07.2023 passed by the Hon'ble High Court in W.P. No. 4580/2022. In view of this order the applicant has filed application to amend application for condonation of delay.

3. On behalf of the respondents time is sought to give reply to this application.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.962/2023 (S.B.)
S.S.Admulwad Vs. State of Maharashtra & 2 Ors.
Coram:Shri M.A.Lovekar, Member (J)
Dated : 22/08/2023.

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

2. By order dated 25.05.2023 the applicant was transferred from Mahagaon, District Yavatmal to Arni, District Yavatmal. He joined at Arni on 01.06.2023.
3. By the impugned order dated 28.07.2023 (A-D) the applicant is shown to have been transferred from Mahagaon, District Yavatmal to Umerkhed, District Yavatmal on vacant post.
4. Record shows that the applicant is not serving presently at Mahagaon but at Arni.
5. Representation made by the applicant on 31.07.2023 is at A-E. In this representation the applicant has furnished aforesaid details and prayed for cancellation of the impugned order so far as it relates to him.
6. In para 8 of the O.A. the applicant has specifically pleaded that so far he has not been relieved to join on the post at Umerkhed.
7. On all these grounds the applicant prays that effect and implementation of the impugned order so far as it relates to him be stayed.
8. In reply it is submitted by Id. P.O. that he has no instructions whether or not the applicant is relieved to join on the transferred post at Umerkhed.
9. As mentioned earlier, in the impugned order it is shown that the applicant was working at Mahagaon. This is factually incorrect. The applicant is in fact working at Arni.
10. Considering above referred circumstances issue notice to the respondents returnable after three weeks. In the meantime the applicant shall not be relieved from Arni, if he is already relieved, to join on the post at Umerkhed.
11. Issue notice to Respondents, returnable after three weeks. Learned 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. after three weeks.**

18. **Steno copy is granted.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.477/2018 (S.B.)

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

Dated : 22/08/2023.

Heard Shri D.R.Rupnarayan, 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. two weeks to file reply.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.66/2019 (S.B.)

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

Dated : 22/08/2023.

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

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.529/2022 (S.B.)

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

Dated : 22/08/2023.

None for the applicant. Shri H.K.Pande, Id.
P.O. for the Respondents.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.712/2022 (S.B.)

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

Dated : 22/08/2023.

Heard Shri A.Motlog, Id. counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the Respondents and Shri T.M.Zaheer, Id. Counsel for the R-3.

2. The Id. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side. He submits that it is sufficient to decide the matter. He further submits rest of the respondents have already filed their reply.

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

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

5. **S.O. last week of September, 2023.**

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.1102/2022 (S.B.)

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

Dated : 22/08/2023.

Heard Shri I.N.Chaudhari, 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. three weeks to file reply as a last chance.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.88/2023 (S.B.)

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

Dated : 22/08/2023.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.354/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.C.Deshmukh, 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. three weeks to file reply.**

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

Heard Shri S.N.Gaikwad, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. Await service of R-2 & 3.

2. Ld. Counsel for the applicant states that respondents are served and he will file service affidavit, **S.O. three weeks.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.403/2023 (S.B.)

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

Dated : 22/08/2023.

C.A.No.296/2023:-

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

2. Ld. Counsel for the applicant states that the appeal filed before the Hon'ble Governor is decided. Time is sought to make further submissions.

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

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

C.A.No.415/2023:-

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. None for the R-5. Await service of R-2 to 5 in C.A..

2. Ld. Counsel for the applicant states that the respondents are served and today he will file service affidavit. On oral request of Id. P.O., **S.O. two weeks for filing reply.**

3. **Interim relief to continue till next date.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.503/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri N.R.Saboo, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the Respondents and Ms. Akansha holding for Shri M.I.Dhatrak, Id. Counsel for the R-3.

2. On oral request of Id. P.O. and Id. Counsel for the R-3, **S.O. 07.09.2023.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.519/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri A.Motlog, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the Respondents and Shri R.M.Fating, Id. Counsel for the R-3. C.F. applicant has not filed service affidavit of R-4.

2. Ld. Counsel for the applicant states that the respondents are served and service affidavit is filed.

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.546/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri A.Thool holding for Shri G.N.Khazode, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. C.F. applicant has not collected hamdast for R-2 & 3.

2. On oral request of Id. Counsel for the applicant, **S.O. two weeks to take steps.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.568/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.579/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri R.M.Fating, 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. three weeks to file reply.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.580/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Ms. Telange, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents. Await service of R-2 & 3.

2. Ld. Counsel for the applicant states that respondent no. 2 is served. Time is sought to serve respondent no. 3, **S.O. two weeks.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.599/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

3. **Interim relief to continue till next date.**

Date:- 22/08/2023.

aps.

Member (J)

O.A.No.630/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri S.N.Gaikwad, 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. three weeks to file reply.**

Member (J)

Date:- 22/08/2023.

aps.

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

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

Dated : 22/08/2023.

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

2. It is the grievance of the applicant that his representation has not been decided though ample time was given for the same and he has been kept in a hanging position. Time is granted till 07.09.2023 to decide the representation if it is not already decided. In case the representation is not decided by 07.09.2023 the applicant would be at liberty to seek appropriate interim relief.

3. **S.O. 07.09.2023.**

4. **Steno copy is granted.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.739/2023 (S.B.)

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

Dated : 22/08/2023.

Heard Shri P.A.Zibhkate, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents. Await service of R-2 to 5.

2. Ld. Counsel for the applicant states that the respondents are served and service affidavit is filed.

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

Member (J)

Date:- 22/08/2023.

aps.

R.A.No.17/2023inO.A.No.608/2019 (S.B.)

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

Dated : 22/08/2023.

Heard Smt. U.A.Patil, Id. counsel for the applicant (Org. Respondents) and Ms. Telange, Id. Counsel for the respondent (Org. Appl.).

2. Ld. Counsel for the applicant (org. respondents) seeks permission to bring on record L.Rs. of original applicant. Permission is granted. Necessary amendment shall be carried out today itself.

3. **Closed for orders.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.882/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

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

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

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

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

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

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

Date:- 22/08/2023.
aps.

Member (J)

O.A.No.946/2023 (S.B.)

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

Dated : 22/08/2023.

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

2. Issue notice to Respondents, returnable on two weeks. Learned C.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. two weeks.**

Member (J)

Date:- 22/08/2023.

aps.

O.A.No.961/2023 (S.B.)

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

Dated : 22/08/2023.

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

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

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

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

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

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

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

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

Date:- 22/08/2023.
aps.

Member (J)