

O.A. 31/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri B. Kulkarni, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The matter was filed on 18/1/2018. However, the respondents have filed reply on 20/10/2018.

3. The Id. P.O. is directed to take instructions regarding latest position from the respondents on the next date.

S.O. 25/8/2021 for final disposal.

Vice-Chairman

dnk.

O.A. 224/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 642/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri I.N. Choudhari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

The matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 857/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Shri R.A. Haque, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 13/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 37/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

C.A.No. 194/2021 -

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 30/8/2021.**

Vice-Chairman

dnk.

O.A. 74/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

C.A. No. 28/2021 -

Heard Shri N.D. Thombre, Id. counsel for the applicants and Shri M.I. Khan, Id. PO for the respondents

2. For the reasons stated in the application, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A. 74/2021 –

Heard Shri N.D. Thombre, Id. counsel for the applicants and Shri M.I. Khan, Id. PO for the respondents.

S.O. four weeks for filing reply.

Vice-Chairman

dnk.

O.A. 223/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

2. The learned P.O. desires time to file reply. Time is granted as prayed for. The Id. counsel submits that no one appeared for respondent no.4. In this situation, after filing reply, if no one appeared for respondent no.4 on the next date, the matter will be heard finally.

S.O. 30/8/2021.

Vice-Chairman

dnk.

O.A. 459/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 480/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 504/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard T. Dhait, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

The matter is admitted and kept for final hearing.

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

S.O. 27/8/2021.

Put up along with O.A. 532/2021.

Vice-Chairman

dnk.

O.A. 532/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

S.S. Deshpande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

The matter is admitted and kept for final hearing.

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

S.O. 27/8/2021.

Put up along with O.A. 504/2021.

Vice-Chairman

dnk.

O.A. 581/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri M.I. Khan, Id. PO for the State.

2. From the record it appears that in O.A. 342/2021 the order was passed on 3/5/2021 (A-7,P-35) and following direction was given to the respondent no.2 which is reproduced as follows –

“ (i) The respondent no.2 is directed to decide the representations of the applicant dated 12/4/2021 (A-3,P-14) and 22/4/2021 (P-16) within 45 days from the date of receipt of this order in the background of Hon’ble Apex Court, Hon’ble High Court order and Government G.R .dated 9/7/2019.

(ii) The respondents are directed to pay subsistence allowance of suspension period to the applicant as mentioned in the suspension order itself within 45 days from the date of receipt of this order.

(iii) with this direction, the O.A. stands disposed of. “

3. Even though nothing on record is filed that when the D.E. was started and when charge sheet has been served. However, the Id. counsel has filed document dated 27/6/2021 and submits that the charge sheet was served after the order of this Tribunal. The Id. P.O. submits that he will file reply within three weeks.

4. In view of this, the Id. P.O. is directed to file reply within three weeks and supply copy to the Id. counsel and then the matter will be heard for final disposal.

5. Issue notice to the respondents returnable **25/8/2021**. Learned P.O. waives notice for the State. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. 25/8/2021

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 583/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

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

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Vice-Chairman

dnk.

Rev. A. No. 09/21 in O.A. 359/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri P.S. Verma, Id. counsel for the applicants and Shri A.M. Ghogre, Id. PO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for the State. Hamdast allowed.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 475/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri T.S. Deshpande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1. It is taken on record. Copy is served on the applicant. The Id. counsel submits that he will file rejoinder during the course of day. He is permitted to do so.

3. In para-5 at page no.3 of the O.A. it is mentioned that as per service record the applicant's date of birth was erroneously recorded as 10/7/1963 instead of his correct date of birth i.e. 9/5/1969 in school and college records. As per this date of birth, the applicant already retired on 31/7/2021. In the same paragraph, it has been also written his date of birth as 10/7/1967 and for that copy of his school and college leaving certificate are annexed. The learned counsel has filed Pursis dated 9/7/2021 (P-53) along with the pursis, he has also attached Birth register of Gram Panchayat, Chandol, Dist Buldhana and on page no.60 name of two members are mentioned in sr.nos.94, one at sr.no.94 girl and other at again

sr.no.94 boy i.e. Kalu Gulab Pakal. Since two names are mentioned at sr.no.94 one of girl and one of boy (applicant). So this document is at page no.60 appears to be doubtful.

4. The Id. P.O. has relied upon the Judgment of Hon'ble Supreme Court in case of **State of Maharashtra & Ano. Vs. Gorakhnath S. Kamble & Ors. (2010) 14 SCC 423 in Civil Appeal No.9704/2010 decided on 16/11/2010.**

In this case, the Hon'ble Supreme Court has relied the Finance Department Notification dated 24/12/2008. The Hon'ble Supreme Court has discussed in para nos, 2,4,5&9 about correction of date of birth which are reproduced as follows–

“2. This appeal emanates from the judgment of the High Court of Judicature at Bombay delivered in Writ Petition No.6531 of 2006 dated 19th January, 2007.

4. Respondent no.1 was appointed as as Assistant Teacher on 13.02.1978. He filed a Secondary School Leaving Certificate indicating 02.06.1949 as proof of his date of birth. In the service record also consequently the same date of birth was recorded.

5. On 23.05.2004, respondent no.1 filed an application to the Education Officer (Primary), Zilla Parishad, District Sangli complaining that though in the School Leaving Certificate his date of birth is 02.06.1949 whereas, in fact the date of birth in the record of the Tahsildar is 03.05.1951, so the date of birth be corrected in the service record of the respondent according to the record of the Tahsildar.

9. The High Court, in the impugned judgment, has failed to notice the settled legal position which is crystallized by a series of judgments of this Court. All the judgments have consistently taken the view that change in the date of birth cannot be permitted at the fag end of the service

career. In the instant case, according to the Notification dated 24th December, 2008, it is made clear that no alteration of the entry should be allowed after five years”.

5. Again in para-14 the Hon'ble Supreme Court has discussed about the case of **State of T.N. and T.V. Venugopalan** regarding correction of date of birth. The relevant para-14 is reproduced as follows –

“14. In State of Tamil Nadu Vs. T.V. Venugopalan, (1994) 6 SCC p.302, this court was clearly of the opinion that the government servant should not be permitted to correct the date of birth at the fag end of his service career. The Court, in very strong terms, observed as under :-

".....The government servant having declared his date of birth as entered in the service register to be correct, would not be permitted at the fag end of his service career to raise a dispute as regards the correctness of the entries in the service register”.

6. The learned counsel has also placed on record the Judgment of Bombay Hon'ble High Court in Writ Petition No.6229/2017 in case of **the State of Maharashtra & Ors. Vs. Bhaqavan M. Patil** decided on 10/7/2018. It is taken on record and copy is supplied to the learned P.O.

7. In view of above, after filing of rejoinder by the learned counsel, the matter will be heard finally on the next date.

S.O. 25/8/2021 (PH).

Vice-Chairman

dnk.

O.A. 927/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri P.P. Kotwal, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 30/8/2021**

Vice-Chairman

dnk.

O.A. 735/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri S.P. Palshikar, Id. counsel
for the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

At the request of Id. P.O., **S.O. 11/8/2021**

Vice-Chairman

dnk.

O.A. 216/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 23/8/2021.**

Vice-Chairman

dnk.

O.A. 382/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri I.G. Meshram, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. As per record the respondent no.4, i.e., the Joint Director, Treasury & Accounts, Pay Verification Unit, Civil Lines, Nagpur has filed reply on 4/2/2021. They have justified the pay fixation as per 5th Pay Commission and 6th Pay Commission also as per para-4 of the reply. Now the learned counsel for the applicant desires to contest the reply of R-4. He should file rejoinder on the reply filed by the respondent no.4, otherwise the matter will be decided on the basis of the reply of Pay Verification Unit.

S.O. three weeks (PH).

Vice-Chairman

dnk.

O.A. 922/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

By consent of both the Id. counsel for
parties, , **S.O. 13/8/2021.**

Vice-Chairman

dnk.

O.A. 957/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri N.B. Kalwaghe, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 962/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri N.B. Kalwaghe, Id. counsel
for the applicants and Shri A.P. Potnis, Id. P.O.
for the respondents.

At the request of Id. counsel for the
applicants, **S.O. two weeks.**

Vice-Chairman

dnk.

O.As. 910 & 911 of 2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

At the request of Id. counsel for the applicants, **S.O. 23/8/2021.**

Vice-Chairman

dnk.

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

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

By consent of both the Id. counsel for
parties, **S.O. 25/8/2021.**

Vice-Chairman

dnk.

O.A. 337/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 11/8/2021.**

The matter be kept high on board.

Vice-Chairman

dnk.

O.A. 564/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

2. The learned counsel has filed rejoinder on behalf of the applicant. It is taken on record and copy is supplied to the Id. P.O. The learned counsel for the applicant's main contention is that the applicant has submitted application on 28/4/2020 (A-6,P-15) on two points (i) his wife is ill-health (ii) his one daughter is studying in 11th Standard and second son is studying in 9th Standard in Bhandara. Hence, he should be given posting at Bhandara.

3. In view of above, the respondents are directed to consider the applicant's application 28/4/2020 (A-6,P-15) and call him for counselling as per G.R. dated 9/4/2018 and give him suitable posting as per rules and regulations.

4. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 645/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 11/8/2021.**

The matter be kept high on board.

Vice-Chairman

dnk.

O.A. 178/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

2. As per order dated 2/8/2021 the Id. counsel for the applicant has placed on record today the order dated 23/11/2020 by which the grievance of the applicant has been solved. The copy of the order dated 23/11/2020 is placed on record and marked Exh-X for the purposes of identification.

3. In view of above, the O.A. has become infructuous and hence it is disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 384/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

2. The applicant was first transferred vide order dated 29/9/2020 (A-2,P-18) in which the applicant's name appears at Sr.No.58 (P-19). Within four months, the second transfer order was issued on 27/1/2021 (A-1,P-17) and the applicant was transferred to Police Station, Gobarwahi. As per record and document filed by the respondent at Annex-R-5,P-50 the applicant was relieved on 28/1/2021 at 12.10 p.m. Subsequently, the applicant has been issued show cause notice and he has been punished vide order dated 30/6/2021 (A-6,P-64) by stopping one increment without effecting further increment. Meanwhile, the applicant has made appeal before the respondent no.2 vide his representation dated 18/3/2021 (A-3,P-21). The said representation is yet to be decided by the respondent no.2. Aggrieved with this, the applicant has approached to this Tribunal.

3. The learned counsel has relied on G.R. 11/2/2015 and mainly on para-8 of the G.R. The

G.R. is marked as Exh.-X for identification. The Id. P.O. has also filed amendment in Section 22N of the Bombay Police Act. It is also taken on record and marked as Exh-X1.

4. Since his appeal is pending before respondent no.2, he cannot expect redressal of grievance at two forums. However, the second order dated 27/1/2021 does not appear to be in tune with procedure laid down for transferring any employee before completion of tenure. In the interest of justice representation of the applicant 18/3/2021 (A-3,P-21) is remanded back to the respondent no.2 to decide his transfer order in legal manner and also punishment inflicted vide order dated 30/6/2021 (A-6,P-64) within 45 days from the date of receipt of this order. The status-quo was granted by this Tribunal order dated 20/5/2021. As per record at page no.50 the applicant was relieved on 28/1/2021 at 12.10 p.m. As per record it appears that the status-quo was granted almost five months after his relieving. Hence, the applicant is directed to join at Gobarwahi as per order dated 27/1/2021 (A-1,P-17) and approach to the respondent no.2 to decide his representation as per law.

S.O. after two months.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 280/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 23/8/2021.**

Vice-Chairman

dnk.

O.A. 849/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

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

2. As per order dated 4/2/2021, today the learned P.O. has filed necessary document dated 18/2/2021. It is taken on record and marked Exh-X and copy is supplied to the Id. counsel. The learned counsel wants to go through the same.

S.O. 11/8/2021.

Vice-Chairman

dnk.

O.A. 618/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The learned counsel for the applicant submitted that the applicant has filed representation dated 8/3/2021 (A-2,P-10) for request transfer to the respondent no.2.

3. In view of above, the respondent no.2 is directed to decide the applicant's representation dated 8/3/2021 (A-3,P-20) within 30 days from the date of receipt of this order.

4. Issue notice to the respondents returnable **after five weeks**. Learned P.O. waives notice for the State. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. after five weeks.

Vice-Chairman

dnk.

O.A. 593/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

C.A. No. 224/2021 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

For the reasons stated in the application, the C.A. for filing Jt. O.A. is allowed.

O.A. 593/2021 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

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

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

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

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 475/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/08/2021.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant has filed Pursis dated 27/7/2021 mentioned that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 27/7/2021, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

**

O.A.No.97/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

C.A.No. 16/2021:-

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

2. As submitted by Id. counsel for the applicant, appeal of applicant was pending in the department which has been decided by Additional Director General of Police (Administration) on 15.04.2019 vide order dated 20.04.2019. The applicant has been communicated this order and it is also mentioned in the order that now there is no appeal for the applicant. Aggrieved with this order, the Id. counsel for the applicant has filed C.A. No. 16/2021 and desires to amend the O.A.. He is permitted to amend the O.A.. Hence, the **C.A. No. 16/2021 for amendment is allowed**. It should be amended within two weeks time. The Id. counsel for the applicant is directed to supply the amended part to the Id. P.O..

3. At the request of Id. P.O., **S.O. 30.08.2021 to file reply on amended part.**

4. *Put up this matter along with O.A. No. 98/2019.*

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.147/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

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

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

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

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

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.350/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

Heard Shri R.V.Shiralkar holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file service affidavit.**

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.978/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

C.A.Nos.367/2020 & 19/2021:-

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the respondent no. 5.

2. The Id. counsel for the applicant has filed Pursis dated 16.07.2021 to delete respondent nos. 5, 7 & 12. He is further directed to delete the same. **S.O. two weeks.**

Vice Chairman

Date:-04/08/2021.
aps.

O.A.No.93/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

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

2. At the request of Id. P.O., **S.O. four weeks to file reply as a last chance.**

Vice Chairman

Date:-04/08/2021.
aps.

O.A.No.211/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 4. It is taken on record. He submits that he will serve the copy to the other side. He further submits that it is sufficient to decide the O.A..

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

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

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

6. *Meanwhile, the applicant in person is at liberty to file Rejoinder, if any.*

Vice Chairman

Date:-04/08/2021.
aps.

O.A.No.317/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

C.A.No.226/2021:-

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. No. 226/2021 and further submits that during pendency of the O.A., appointment letter has been issued. He is challenging the selection and promotion from the post of Kotwal to Class-IV. The Id. counsel for the applicant is directed to file the appointment letter on record. Hence, **C.A. No. 226/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. After amendment, Issue notice to the newly added Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with

complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

9. **S.O. four weeks.**

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.412/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

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

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

Date:-04/08/2021.
aps.

Vice Chairman

O.A.No.492/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

None for the applicant. Shri A.P.Potnis, the
Id. P.O. for the State.

2. As submitted by Id. P.O., as per para no. 4 of
order dated 07.07.2021, directions have not been
complied till now.

3. Two more weeks is granted to carryout the
amendment to Id. counsel for the applicant, **S.O. two
weeks.**

Vice Chairman

Date:-04/08/2021.
aps.

O.A.No.579/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

C.A.No.220/2021:-

Heard Shri R.V.Shiralkar holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. **C.A.No. 220/2021 for Jt. O.A. is allowed.**

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

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week.

Applicant is directed to file Affidavit of compliance and notice.

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

9. **S.O. four weeks.**

Vice Chairman

Date:-04/08/2021.

aps.

C.P.No.06/2021inO.A.No.714/2021with

C.P.07/2021inO.A.No.713/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 04/08/ 2021.

Heard Shri P.V.Thakre, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 6.

2. At the request of Id. P.O., S.O. four weeks to take instructions from the department. The Id. counsel for the applicant is further directed to file the service affidavit of R-2 to 6 before next date of hearing. .

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

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.510/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

Heard Shri G.Mate, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It is contention of the applicant that he is in service since long and thereafter G.R. dated 21.12.2019 is issued by the Government and in pursuance of the G.R., the respondent no. 2 has passed the order dated 25.02.2021 giving appointment to the applicant only for a period of 11 months. The said order has been passed without giving an opportunity of hearing to the applicant. It is submitted that in similar matters interim relief is granted to the applicants. In view of the facts on the ground of parity the interim stay is granted to the order dated 25.02.2021 till filing of the reply.

3. Issue notice to the respondents, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

Vice Chairman

Date:-04/08/2021.

aps.

C.P.No.28/2020inO.A.No.877/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant has filed reply from Desk Officer, Medical Education and Drugs Department dated 26.07.2021. It is marked Exh. 'X' for the purpose of identification. It is taken on record and supplied the copy to the other side.

3. Since, department is resubmitted file to the Law and Judiciary for appealing against the order of M.A.T. to the Hon'ble High Court.

4. **S.O. 25.08.2021.**

Vice Chairman

Date:-04/08/2021.
aps.

C.P.No.46/2020inO.A.No.815/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. P.O. submitted that he will file the reply during the course of the day. He is further directed to supply the copy to the other side before next date of hearing.

3. At his request, **S.O. 09.08.2021.**

Vice Chairman

Date:-04/08/2021.
aps.

C.P.No.28/2021inO.A.No.370/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

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

2. Issue Notice to the respondents returnable
in **four weeks** under Rule 8 of the MAT (Contempt of
Courts) Rules, 1996 as to why they should not be
proceeded for committing contempt of this
Tribunal's order and as to why they shall not be
punished under the Contempt of Court Act.

3. Shri V.A.Kulkarni, the learned P.O. waives
notice for respondent No. 1. Hamdast granted.

4. **S.O. four weeks.**

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.612/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

Heard Shri P.S.Sahare, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri S.Yerawar, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the applicant has filed original certificate of being O.B.C. on P.B., Pg. No. 28 and verification of that document on P.B., Pg. No. 29 which is annexed to the original application file. Applicant's original application has been filed on Annexure-A-3, P.B., Pg. Nos. 59 & 60 and in the column 'Name of Caste', the applicant had written 'Open'. Subsequently, applicant has submitted application on P.B., Pg. No. 71, Annexure-A-8, letter dated 09.08.2016 and he has mentioned that his main caste category is O.B.C.. As submitted by the Id. counsel for the applicant, the document dated 01.08.2016 (P.B., Pg. No. 68, Annexure-A-7) is 'tkgjlpuk'.

3. On P.B., Pg. No. 61, on-line application of applicant is filed and it appears that applicant had applied for 'Group-B', Post-'25-Artist', the candidates have been called for verification of original documents on 09.08.2016 in the afternoon-2:00 pm. As per Annexure-A-7, Pg. No. 69; candidates called for documents verification in Artist Category (O.B.C.) from Sr. Nos. 8 to 20. Since

applicant was not called. So, aggrieved with this, applicant made representation dated 09.08.2016 (Annexure-A-8) which is at P.B., Pg. No. 71.

4. The Id. counsel for the respondent no. 3 also desires to file reply and to be heard on 18.08.2021. The Id. counsel for the applicant objected for appearance of the respondent no. 3. However, in the interest of justice, it is better that he should be also heard during next hearing.

5. As submitted by Id. C.P.O., he is permitted to file additional reply before next date of hearing. He is directed to supply in advance the copy of the said additional reply to the Id. counsel for the applicant along with Id. Counsel for the respondent no. 3.

6. In view of Hon'ble High Court direction, in order dated 28.01.2021, matter will be placed before regular D.B. on 18.08.2021 for final hearing. **S.O. 18.08.2021.**

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.98/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

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

2. At the request of Id. P.O., **S.O. 30.08.2021.**

3. *Put up this matter along with O.A. No.
97/2019.*

Vice Chairman

Date:-04/08/2021.

aps.

O.A.No.212/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 04/08/ 2021.

Heard Shri R.V.Shiralkar holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-04/08/2021.
aps.