

O.A. No. 883/2022 (D.B.)

(Dr. Sanjay S. Bule Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

ORDER

Heard Shri D.M. Kakani, learned counsel for the applicant and Shri S.A .Deo, Id. CPO for the State.

2. As per submission of learned counsel for the applicant, the applicant is working on the post of Associate Professor since last more than seven years in the Government Medical / Dental College. He applied for the post of Professor as per the advertisement dated 17/09/2021. The applicant is declared not eligible for the said post on the ground that he has not worked in the Government Medical College on the post of Associate Professor.

3. The learned counsel for the applicant Shri D.M.Kakani has pointed out applicant's first appointment order dated 01/08/2008 and since then he is in continuous service as Associate Professor in the Government Medical / Dental College. Earlier he was posted in the Government Medical College, Nagpur. Thereafter, he was transferred to the Government Dental College, Nagpur to work on the post of Associate Professor.

4. The learned counsel for the applicant Shri D.M.Kakani has pointed out that similarly situated candidate like one Dr. Jyoti V. Kulkarni was working in the Government Dental College, Aurangabad. She was given promotion / posting on the post of Associate Professor in the Government Medical College, Solapur.

5. It appears from the documents filed on record that the initial posting of the applicant was in the Government Medical College, Nagpur. Thereafter he was transferred to the Government Dental College, Nagpur. As per the

submission of learned counsel for the applicant, the applicant is working as Associate Professor for more than eight years. Hence, the rejection of the application of applicant for the post of Professor on the ground that he has not completed three years service in the Government Medical College appears to be not proper. The applicant has completed service more than eight years in the Government Medical / Dental College. His first appointment order shows that he was posted in the Government Medical College, Nagpur. It appears that he was transferred from one Government Medical College to another Government Medical College, therefore, ground raised by the MPSC that he has not completed three years service in the Government Medical College by not counting his service in the Government Dental College appears to be not correct.

6. Heard learned CPO for the State Shri S.A. Deo. He has strongly objected to grant any interim relief.

7. In that view of the matter, we pass the following order –

ORDER

(i) The interim relief is granted to the applicant.

(ii) The respondents are directed to allow the applicant for the interview to be held **on 8/9/2022** for the post of Professor (Anaesthesia).

(iii) The result of the interview will be subject to the outcome of this O.A. The result of the interview be kept in sealed envelope.

(iii) Hamdast copy be supplied to the applicant immediately. The learned CPO is requested to inform the MPSC telephonically and also supply steno copy to the respondents.

8. In the meantime, issue notice to the respondents returnable **29/9/2022**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

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

S.O. 29/09/2022.

Steno copy is granted.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.**

O.A. No. 881/2022 (D.B.)

(Dr. Gajanand G. Karshayal Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

ORDER

Heard Shri Rohit Joshi, learned counsel for the applicant and Shri S.A .Deo, Id. CPO for the State.

2. The applicant has applied for the post of Assistant Professor (Anaesthesia) as per advertisement dated 13/08/2021. The applicant is declared by the MPSC as not eligible for the said post on the ground that he has not completed one year service on the post of Senior Resident in the Government Medical College & Hospital. The learned counsel for applicant has pointed out the Certificate issued by the Government Medical College, Gondia dated 20/8/2021 and the Certificate issued by the HOD of department of the Anaesthesia, Government Medical College, Gondia dated 1/9/2022. He has also pointed out the Certificate dated 1/2/2021 issued by the Chief Administrative Officer, Medical Education and Research, Mumbai. As per the certificate dated 20/8/2021, the applicant has completed one year service on the post of Senior Resident with a technical break of one day. It is also mentioned in the letter dated 1/9/2022. As per the certificate dated 1/2/2021 issued by the Chief Administrative Officer, Medical Education and Research, Mumbai it is clear that the applicant is discharged from the Bond as he has completed one year service as Senior Resident in the Government Medical College. Therefore, it is clear that the applicant is eligible for the post of Assistant Professor. Hence, the denial of opportunity by the MPSC on the ground that he has not completed one year service on the post of Senior Resident prima facie appears to be not correct.

3. Heard learned CPO for the State Shri S.A. Deo. He has strongly objected to grant any interim relief.

4. In that view of the matter, we pass the following order –

ORDER

(i) The interim relief is granted to the applicant.

(ii) The respondents are directed to allow the applicant for the interview to be held **between 12/9/2022 to 14/9/2022** for the post of Assistant Professor (Anaesthesia).

(iii) The result of the interview shall be subject to the outcome of this O.A. The result of the interview be kept in sealed envelope.

5. In the meantime, issue notice to the respondents returnable **29/9/2022**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application

shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. 29/09/2022.

Steno copy is granted.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.**

O.A. No. 882/2022 (D.B.)

(Dr. Aniket M. Meshram Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

ORDER

Heard Shri Rohit Joshi, learned counsel for the applicant and Shri S.A .Deo, Id. CPO for the State.

2. The applicant has applied for the post of Assistant Professor (Pathology) as per advertisement dated 13/08/2021. The applicant is listed as not eligible for the said post on the ground that he has not completed one year service on the post of Senior Resident in the Government Medical College & Hospital in the Pathology department.

3. The learned counsel for applicant has pointed out the order dated 5/10/2016. From perusal of this order, it appears that the applicant was appointed on the post of Senior Resident / Medical Officer for the period of 364 days. The Certificate dated 14/11/2017 issued by the Chief Administrative Officer, Medical Education and Research, Mumbai shows that the applicant has completed one year service on the post of Senior Resident / Medical Officer, therefore, he is discharged from the Bond of Rs. 50,00,000/-. The Certificate dated 26/10/2021 shows that the applicant has completed 364 days. The learned counsel for applicant pointed out that it was for a period of 5/10/2016 to 5/10/2017 i.e. for one year. The days are wrongly calculated and it appears that he has completed 366 days. The Certificate issued by the Chief Administrative Officer, Medical Education and Research, Mumbai shows that the applicant has completed one year service on the post of Senior Resident (Pathology) / Medical Officer and therefore he is discharged from the Bond of Rs. 50,00,000/-. This Certificate itself shows that the applicant has completed one year service on the post of Senior

Resident / Medical Officer. Hence, denial of opportunity to the applicant to appear in the interview to be held **between 27/9/2022 to 29/9/2022** appears to be wrong.

4. Heard learned CPO for the State Shri S.A. Deo. He has strongly objected to grant any interim relief.

5. In that view of the matter, we pass the following order –

ORDER

(i) The interim relief as prayed is granted to the applicant.

(ii) The respondents are directed to allow the applicant for the interview to be held **between 27/9/2022 to 29/9/2022** for the post of Assistant Professor (Pathology).

(iii) The result of the interview shall be subject to the outcome of this O.A. The result of the interview be kept in sealed envelope.

6. In the meantime, issue notice to the respondents returnable **29/9/2022**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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. 29/09/2022.

Steno copy is granted.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.**

O.A. No. 884/2022 (D.B.)

(Dr. Prithvi Petkar Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

ORDER

C.A. 355/2022 -

Heard Dr. A.H. Jamal, Id. counsel along with M.M. Akhtar Jamal, Id. counsel for the applicants and Shri S.A .Deo, Id. CPO for the State.

2. The learned counsel for applicants has filed C.A. for Jt. O.A. Heard Id. CPO. He objected for filing Jt. O.A.

3. It is clear from the facts that all the applicants are similarly situated and they are claiming the same relief. Filing of several O.As., is nothing but multiplicity of proceeding. Hence, filing of Jt. O.A. cannot be any harm to the respondents because the applicants have prayed same relief. Hence, the C.A. is allowed and disposed off.

O.A. No. 884/2022 -

Heard Dr. A.H. Jamal, Id. counsel along with M.M. Akhtar Jamal, Id. counsel for the applicants and Shri S.A .Deo, Id. CPO for the State.

2. As per submission of learned counsel for applicants, the applicants were working as Assistant Professor / Lecturer / Statistician (applicant no.1) in the Government Colleges. The applicants have completed their service for a considerable period on the post of Assistant Professor in the concerned department. They were listed by the MPSC as not eligible to appear for interview of the concerned post.

3. Heard learned CPO for State Shri S.A. Deo. He has submitted that all the applicants never worked as a Tutor / Junior Resident / Senior Resident in the respective departments and therefore they are not eligible for the post of Assistant Professor as per the rules framed by the Medical Council of India (MCI). The learned CPO strongly objected to grant interim relief because the applicants were appointed on the post of Assistant Professor on ad-hoc basis and therefore they cannot claim that they are eligible for the said post.

4. As per the Chart filed at page no. 82 it is clear that most of the applicants have worked for a considerable period more than one year on the post of Assistant Professor. It is pertinent to note that the qualification for the post of Assistant Professor is candidate must have worked as a Tutor / Junior Resident / Senior Resident in the concerned department. It was the duty of the concerned Dean while appointing the candidate on the post of Assistant Professor to see as to whether they are eligible for the post of Assistant Professor. They were appointed on the post of Assistant Professor. The Chart also shows that they have worked for a considerable period more than one year on the post of Assistant Professor. In the concerned department all of them have worked in the Government Medical Colleges at Yavatmal, Nagpur etc. Hence, declaring them non eligible for the post of Assistant Professor appears to be not proper.

5. Heard learned CPO for the State Shri S.A. Deo. He has strongly objected to grant any interim relief.

6. In that view of the matter, we pass the following order –

ORDER

(i) The interim relief as prayed is granted to the applicants.

(ii) The respondents are directed to allow the applicants for the interview to be held **between 5/9/2022 to 4/10/2022** for the post of Assistant Professor.

(iii) The result of the interview shall be subject to the outcome of this O.A. The result of the interview be kept in sealed envelope.

7. In the meantime, issue notice to the respondents returnable **29/9/2022**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

S.O. 29/09/2022.

Steno copy is granted.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.**

O.A. No. 318/2015 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri D.S. Sawarkar, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri Alok Upasani, Id. counsel holding for Shri K.S. Motwani, Id. counsel for R-4.

At the request of Id. counsel for R-4, **S.O.**
27/09/2022.

Put up along with other connected matter.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 777/2016 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri Alok Upasani, Id. counsel holding for Shri K.S. Motwani, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri D.S. Sawarkar, learned counsel for respondent no.4.

At the request of Id. counsel for applicant, **S.O. 27/09/2022.**

Put up along with other connected matter.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 284/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri D.S. Sawarkar, learned counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. 20/09/2022.**

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 221/2018 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

Heard Shri Mehta, Id. counsel holding for Shri P.S. Gawai, learned counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. 21/9/2022.**

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

**C.P. 36/22 in Rev.A. 18/21 in O.A. No. 94/21
(D.B.)**

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

Heard Shri N. Munghate, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1,2,6,7,11 and 12 and Shri T.M. Zaheer, Id. counsel for R-3,4,5,8,9 and 10.

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

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**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.As. 1090, 1092,1099 and C.A. 414/21 in O.A. 1100/21 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

Heard Shri G.G. Bade, Id. counsel for applicants, Shri A.M. Ghogre, Id. P.O. for respondent nos. 1 to 3 and Shri T.M. Zaheer, Id. counsel for R-4 (in O.A.1090/2021).

At the request of Id. P.O., **S.O. 28/9/2022** for filing reply.

Till then interim relief to continue, if any.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

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

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

At the request of Id. P.O., **S.O. 29/9/2022** for filing reply as a last chance.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 594/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 672/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 743/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 809/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 990/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri A.D. Girdekar, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 994/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

Heard Shri G.K. Bhusari, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for applicant submits that respondent no.3 is served and he will file service affidavit.

The learned counsel for applicant to serve respondent no.2 also.

The applicant to remove office objections.

S.O. 30/9/2022.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. No. 1047/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 1087/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri P.J. Mehta, Id. counsel for applicant, Shri S.A. Deo, Id. CPO for R-1 to 4 and Shri S.P. Palshikar, Id. counsel for R-5.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 203/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

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

At the request of Id. C.P.O., **S.O.**
28/9/2022 for filing reply as a last chance.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 263/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 347/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

Heard Shri A.B. Moon, Id. counsel for applicant, Shri S.A. Deo, Id. CPO for respondent nos.1 to 3 and Pooja Agrawal, Id. counsel for respondent no.4.

2. The Id. CPO files reply of respondent no.3. It is taken on record and copy is given to the other side. The Id. CPO submits that the reply of R-3 is sufficient for R-1 to 3.

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

S.O. in due course.

Put up the matter along with O.A.Nos. 347/2022 and 700/2022.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. No. 370/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri C.A. Mohgaonkar, Id.
counsel for applicant and Shri V.A. Kulkarni, Id.
P.O. for respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 373/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

None for applicant. Heard Shri V.A.
Kulkarni, Id. P.O. for respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 640/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

None for the applicant. Heard Shri V.A. Kulkarni, Id. P.O. for respondent nos. 1 to 8 and Shri L.S. Burde, Id. counsel for R-9.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 664/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri G.K. Bhusari, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 677/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 684/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri N.D. Thmbre, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for respondent no.4.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 762/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 766/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri Bharat Kulkarni, Id. counsel
for applicant and Shri A.M. Ghogre, Id. P.O. for
respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 800/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 877/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

C.A. No.357/2022 -

Heard Shri B. Kulkarni, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicants are in the same category and they are working as Peon. They are claiming same relief. Hence, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. No. 877/2022 –

Heard Shri B. Kulkarni, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for the State.

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

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

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

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

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

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

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

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

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

C.A. No.356/2022 -

Heard Shri D.M. Kakani, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. As per the submission of learned counsel for applicants, all the applicants are working on the post of Naib Tahsildar. They are claiming promotions as per the existing recruitment rules. They have prayed same relief. Hence, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. No. 885/2022 –

Heard Shri D.M. Kakani, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for the State.

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

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

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

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

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

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

8. **S.O. after two weeks.**

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 281/2015 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri P.P. Khaparde, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and none for R-2 to 5.

Await service of R-6.

At the request of Id. counsel for applicant, **S.O. after three weeks** for filing service affidavit of R-6.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

C.A. 306/2022 in O.A. No. 612/2017 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 07/09/2022.

Heard Shri P.S. Sahare, Id. counsel for applicant, Shri S.A. Deo, Id. CPO for R-1&2 and none for R-3.

The Id. counsel for applicant submits that he will carry out necessary amendment during the course of day. He is directed to supply amended copy to the other side.

S.O. after one week.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. No. 348/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 07/09/2022.

Heard Shri Potnis, Id. counsel holding
for Shri M.M. Sudame, Id. counsel for applicant
and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. counsel for
applicant, **S.O. one week** to add new
respondent as a party.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.*_{ok}

O.A.No.987/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.1045/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.
C.A.No.55/2020:-

Heard Shri D.R.Rupnarayan, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents. Await service to R/2 to 5.

2. Reply of respondent no. 5 filed by ld. P.O. is taken on record. It is taken on record. Copy is served to the other side.

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.433/2020withO.A.No.434/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. Await service to R/2 & 3.

2. Ld. counsel for the applicant states that respondents 2 & 3 have been served. Ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side. It is sufficient to decide the matter.

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

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

5. **S.O. 10.10.2022.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.783/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri Barabate holding for Shri N.R.Saboo, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.36/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.721/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.1083/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.388/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.446/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. The ld. P.O. has filed reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 10.10.2022 for final hearing.**

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.543/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.615/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Date:-07/09/2022

Member(J)

APS.

O.A.No.634/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.685/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.697/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.732/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.742/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents. Await service of R-2 & 3.

2. Ld. Counsel for the applicant states that the respondents have been served. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.774/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri P.S.Kadam, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents. Await service of R-2 to 5.

2. Ld. Counsel for the applicant states that he will file service affidavit, **S.O. two weeks.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.803/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Perused contents of the original application.

2. Heard Shri P.V.Thakre, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

3. It is submitted by Advocate Shri Thakre that purpose of filing this O.A. will be served for the present if representation dated 22.07.2022 filed by the applicant is directed to be decided by the respondent no. 4 within the time frame to be stipulated by this Tribunal.

4. According to Advocate Shri Thakre period of two weeks shall suffice to decide the representation whereas according to the Id. P.O. Shri Potnis period of four weeks shall be needed to decide the representation.

5. **Respondent no. 4 is directed to decide representation dated 22.07.2022 filed by the applicant (A-4, Pg. No. 39) within four weeks from today.**

6. Hence, **O.A. is disposed of with no order as to costs.**

Member(J)

Date:-07/09/2022

APS.

O.A.St.No.522/2022 (S.B.)

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

Dated : 07/09/2022.

C.A.No.86/2022:-

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

2. Reply of respondent no. 3 on C.A. No. 86/2022 filed by ld. P.O. is taken on record. **S.O. one week for hearing on C.A..**

Member(J)

Date:-07/09/2022

APS.

O.A.No.865/2022 (S.B.)

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

Dated : 07/09/2022.

C.A.No.349/2022:-

Heard Shri Waghmare holding for Shri P.B.Patil, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. C.A.No.349/2022 for Jt. O.A. is allowed and disposed of.

3. Issue notice to 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.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.507/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.141/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri Motlog holding for Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.145/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri Motlog holding for Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.576/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.
C.A.No.291/2022:-

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents and Shri V.R.Deshpande, ld. counsel for the Intervenor.

2. Ld. Counsel for the applicant vehemently objects to grant of C.A. for intervention on the ground of locus standi of the proposed intervention. He seeks time of two weeks to file reply on C.A., **S.O. two weeks.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.718/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Date:-07/09/2022

Member(J)

APS.

O.A.No.751/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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 learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.801/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the respondents. R-2 await service.

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

Member(J)

Date:-07/09/2022

APS.

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

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

None for the applicant. Shri A.P.Potnis, Id.
P.O. for the respondents and Shri N.M.Kolhe, Id.
Counsel for the R-3 & 4.

2. On oral request of learned counsel for the
respondent nos. 3 & 4, **S.O. four weeks for filing
reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.839/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. By order dated 22.08.2022 respondents 2 & 4 were directed to decide representations at A-1 & 2 dated 10.08.2022 and 17.08.2022, respectively within one week from the date of this order.

3. Today, on behalf of the respondents communication dated 01.09.2022 issued by respondent no. 2 is placed on record. This communication is to the effect that because of subsistence of restriction put in place by G.R. dated 27.05.2022 aforesaid representations cannot be decided.

4. It is the contention of Advocate Shri Bade that G.R. dated 27.05.2022 will not come in the way of deciding the representations made by the applicant. Ld. P.O. shall take instructions from respondent no. 2 as to whether the restriction put in place by G.R. dated 27.05.2022 still subsists.

5. **S.O. 30.09.2022.**

6. **Interim order to continue till next date.**

7. **Steno copy is granted.**

Member(J)

Date:-07/09/2022

APS.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.
C.A.No.351/2022:-

Heard Shri R.M.Fating, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the State.

2. **C.A.No.351/2022 for Jt. O.A. is allowed and disposed of.**

3. Issue notice to 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.**

Member(J)

Date:-07/09/2022

APS.

O.A.St.No.1712/2022 (S.B.)

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

Dated : 07/09/2022.
C.A.No.304/2022:-

Heard Shri A.N.Dighore, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.739/2022 (S.B.)

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

Dated : 07/09/2022.

C.A.No.358/2022:-

Perused C.A. along with O.A..

2. Heard Smt. A.P.Murrey, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

3. By the proposed amendment, on some additional grounds the chargesheet dated 29.06.2022 is sought to be impugned. It is the submission of the applicant that these additional grounds came to his knowledge after the O.A. was filed. For full and final decision of the matter grant of proposed amendments appears to be necessary. Hence, **C.A. No. 358/2022 is allowed and disposed of.** The amendment shall be carried out within two weeks from the date of this order.

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

Member(J)

Date:-30/08/2022

APS.

O.A.No.137/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. The matter was posted for rehearing because certain G.Rs. and citations mentioned by the applicant in pursis at page no. 71 were not placed on record. Ld. counsel for the applicant submits that he is relying on the G.R. dated 10.04.2007 and the citations which are today placed on record.

3. **Closed for orders.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.942/2021 with

O.A.No.943/2021 with
O.A.No.944/2021 with
O.A.No.945/2021 with
O.A.No.946/2021 with
O.A.No.1033/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. None for the R-3.

2. **Closed for orders.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.36/2017 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Smt. Saboo, ld. Counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents and Shri Motlog holding for Shri S.G.Jagtap, ld. Counsel for the R-2 & 3.

2. On oral request of learned counsel for the R-2 & 3, **S.O. next week.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.122/2017 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Smt. Tripathi holding for Shri I.S.Charlewar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. next week for filing reply.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.146/2017 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. By consent matter is kept on **S.O.**
15.09.2022.

Member(J)

Date:-07/09/2022

APS.

O.A.No.268/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri A.H.Jamal, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. **S.O. 08.09.2022.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.782/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. On oral request of learned P.O., **S.O.**
16.09.2022.

Member(J)

Date:-07/09/2022

APS.

O.A.No.734/2020withO.A.No.735/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri U.G.Bawangarh holding for Shri S.M.Khan, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of learned counsel for the applicant, **S.O. 15.09.2022.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.882/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri K.S.Malokar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. **Closed for orders.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.209/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **S.O. two weeks.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.410/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.719/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

Heard Shri Prateek Sabde holding for Shri K.R.Rodge, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **Closed for orders.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.753/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

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

Member(J)

Date:-07/09/2022

APS.

O.A.No.898/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 07/09/2022.

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

2. It is submitted that the applicant has made a representation dated 14.06.2022 to respondent no. 1 and if respondent no. 1 is directed to decide the same within the time frame to be stipulated by this Tribunal, purpose of filing instant O.A. shall be adequately served.

3. Case is made out to grant the aforesaid prayer. Hence, the order:-

ORDER

Respondent no. 1 shall decide representation dated 14.06.2022 (A-1) made by the applicant within four weeks from today. While deciding the representation of the applicant, Respondent no. 1 shall also take into account G.R. dated 06.08.2022 since the applicant claims to have served in Naxal affected area for the requisite duration. Hence, **O.A. is disposed of with no order as to costs.**

Member(J)

Date:-07/09/2022

APS.

O.A.No.900/2022 (S.B.)

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

Dated : 07/09/2022.

Perused application and papers annexed to it.

2. Heard Shri S.P.Palshikar, Id. Counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the State and Shri N.R.Saboo, Id. Counsel for the respondent no. 2/Caveator.

3. By order dated 08.09.2021 the applicant was transferred from Tiroda Municipal Council to Wanadongari Municipal Council, District Nagpur as Chief Officer.

4. By order dated 05.09.2022 (A-2) the applicant has been transferred from Wanadongari Municipal Council to Kanhan Pimpari Municipal Council. In this order it is stated that the applicant shall join on the transferred post on 06.09.2022.

5. Order dated 05.09.2022 (A-3) is in respect of transfer of respondent no. 2 from Gondia to Wanadongari Municipal Council as Chief Officer i.e. the post which is to fall vacant on transfer of the applicant as per order at A-2.

6. It is pointed out that in the order at A-3 there is a stipulation that respondent no. 2 was to join on his transferred post on 26.09.2022.

7. The order at A-3 is assailed by the applicant on the ground that Crime No. 346/2020 has been registered against respondent no. 2 at Ambazari Police Station, Nagpur. This contention is based on G.R. dated 20.04.2013 which *inter alia* states :-

“२. उपरोक्त परिस्थिती विचारात घेउन, निलंबित शासकीय कर्मचा-यांच्या अधिका-याच्या पुनस्थापनेबाबत कार्यवाही करण्याकरीता खालीलप्रमाणे मार्गदर्शक सूचना देण्यात येत आहेत.

अ) राज्यस्तरीय संवर्गातील अधिकारी/कर्मचारी यांना त्यांचा मूळ महसूली विभाग (Division) व ज्या पदावर कार्यरत असताना निलंबित केले तो महसूली विभाग वगळून अन्यत्र अकार्यकारी पदावर नियुक्ती करण्यात यावी.

ब) विभागीय संवर्गातील कर्मचा-यांना पुनःस्थापित करताना त्यांचा मूळ जिल्हा व ज्या जिल्हात कार्यरत असताना निलंबित केले तो जिल्हा वगळून अन्य जिल्हयात अकार्यकारी पदावर नियुक्ती करण्यात यावी.

क) जिल्हा संवर्गीय कर्मचा-यांना पुनःस्थापित करताना त्यांचा मूळ तालुका व ज्या तालुक्यात कार्यरत असताना निलंबित केले असेल तो तालुका वगळून अन्य तालुक्यामध्ये अकार्यकारी पदावर नियुक्ती करण्यात यावी.

ड) सर्व विभागांनी त्यांच्या अधिपत्याखालील विभागाती अकार्यकारी पदे शोधून त्यांची यादी तैयार करावी.”

8. It is submitted on behalf of the applicant that when Rule 15 of the M.C.S. (JOINING TIME, FOREIGN SERVICE AND PAYMENTS DURING SUSPENSION, DISMISSAL AND REMOVAL) RULES, 1981 provides for maximum period of 30 days for joining on the transferred post, there was no real need to stipulate in order of transfer of the applicant at A-2 that she will join on the transferred post on the very next date i.e. 06.09.2022. It is submitted that this stipulation in annexure-2 would show that said order is malafide and it has been passed with the ulterior motive of accommodating respondent no. 2.

9. The applicant has also relied on Rule 31 of the M.C.S. (General Conditions of Service) Rules, 1981 which states that charge must be handed over at the headquarter in the presence of both the relieved as well as the relieving Government Servant. Rule 31 (c) states that for exceptional circumstances to be specifically recorded by the competent authority charge of a post may be made over in the absence of relieved Government Servant by Letter or by Telegram.

10. It is the contention of the applicant that respondent no. 2 has so far not joined on the post and in-fact he could not have joined on the post in the absence of the present applicant who was to be relieved.

11. It is submitted by Id. P.O. Shri Kulkarni that the orders at A-2 & 3 expressly state that the same have been passed after complying with Sub Sections 4 & 5 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and hence *prima facie* no fault could be found with either of these orders.

12. Presently the question of interim relief is to be considered. By way of interim relief the applicant is praying that effect and implementation of order dated 05.09.2022 (A-2) be stayed and the applicant be allowed to work on the post of Chief Officer, Wanadongari. This prayer is stoutly

opposed by Id. P.O. as well as Advocate Shri Saboo for respondent no. 2/Caveator. On behalf of the respondent no. 2 a statement is made that the applicant as well as respondent no. 2 both have been relieved from the post held by them prior to their transfer and respondent no. 2 has already joined on the post of Chief Officer, Municipal Council at Wanadongari.

13. In view of this assertion which is categorically made interim order as sought by the applicant cannot be passed.

14. Issue notice to Respondents, returnable on two weeks. Learned P.O. waives notice for R-1. Advocate Shri Saboo accepted service for R-2. Hamdast allowed.

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

16. 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.

17. 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.

18. 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.

19. 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.

20. **S.O. two weeks.**

Member(J)

Date:-07/09/2022

APS.