

O.A.No.491/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri M.R.Khan, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the Respondents.
Await service of respondents 2 and 3.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

O.A.No.924/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Mrs.K.N.Saboo, ld. counsel for the applicant
and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

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

Vice Chairman

rsm.

O.A.No.645/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri P.J.Mehta, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. three weeks
for filing reply as last chance.**

Vice Chairman

rsm.

O.A.No.815/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

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

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

Vice Chairman

rsm.

O.A.No.949/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri R.M.Fating, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the Respondents 1 &
2. None for the respondent no.3

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

Vice Chairman

rsm.

O.A.No.966/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Ms.R.Gosawi, Id. counsel for the applicant
and Shri H.K.Pande, Id. P.O. for the Respondents.

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

Vice Chairman

rsm.

O.A.No.985/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

None for the applicant. Shri H.K.Pande, Id.
P.O. for the Respondents 1 & 2. None for the
respondents 3, 4 and 5.

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

Vice Chairman

rsm.

O.A.No.993/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri F.R.Kashif, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. three weeks
for filing reply as last chance.**

Vice Chairman

rsm.

O.A.No.1006/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri S.K.Bhattacharya holding for Shri M.M.Sudame, ld. counsel for the applicant, Shri H.K.Pande, ld. P.O. for the Respondents 1 to 3 and Shri A.P.Tathod, ld. counsel for the respondent no.4.

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

Vice Chairman

rsm.

O.A.No.1025/2023 with
O.A.No.1029/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri B.Kulkarni, ld. counsel for the applicants and Shri H.K.Pande, ld. P.O. for the Respondents.

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

Vice Chairman

rsm.

O.A.No.1109/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri G.Gadge, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant, respondents are served.
3. The learned P.O. seeks time to file reply.
4. **S.O. four weeks.**

Vice Chairman

rsm.

O.A.No.1050/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

None for the applicant. Shri H.K.Pande, Id.
P.O. for the Respondents. Await service of
respondent no.3.

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

Vice Chairman

rsm.

O.A.No.1030/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri S.Pande, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the Respondents.

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

Vice Chairman

rsm.

Rev.St.No.2321/2023 in
O.A.No.47/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

C.A.No.474/2023

Shri A.D.Girdekar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents. Await service of respondents 2 and 3.

2. **S.O. after three weeks.**

Vice Chairman

rsm.

O.A.No.724/2023 (S.B.)

(Dr.Sudhir Jagdishprasad Gupta Vs. the State of Maharashtra & Others)

Coram: Shri Justice M.G.Giratkar,Vice Chairman

Dated : 19/12/2023.

Heard Shri G.K.Bhusari, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On last date i.e. on 11.09.2023 following order was passed –

2. On 11.07.2023 order was passed directing the respondents to pay salary from 01.10.2022 to 28.02.2023. The respondents were also directed to decide the V.R.S. application as per Rule 66(2) of Maharashtra Civil Services (Pension) Rules, 1982. Till date the respondents have not complied the order. Thereafter, the O.A. was fixed on 08.08.2023 and 21.08.2023. On last date P.O. requested to get instructions about the compliance of order dated 11.07.2023. Till date order dated 11.07.2023 is not complied. It appears that the applicant is not paying the salary and also not decided his V.R.S. application. The applicant is not getting any pensionary benefits. Hence, P.O. is directed to inform the concerned officer to remain present before this Tribunal to show as to why the order is not complied.

3. On last date i.e. on 10.10.2023 following order was passed –

2. Under Secretary of the Medical Education Department is present. As per the submission of learned C.P.O., salary is paid to the applicant. V.R.S. application is forwarded to Finance Department for approval. Therefore, he seeks four weeks time.

4. On last date i.e. on 07.11.2023 following order was passed –

2. As per the submission of learned counsel for the applicant, the applicant is not getting pension. His V.R.S. application is not decided.

3. The learned P.O. submits that V.R.S. application is under process. On last date the same submission was made by the Under Secretary who was present before this Tribunal.

4. S.O. 05.12.2023. On that day matter will be admitted and will be decided on merit.

5. On last date i.e. on 05.12.2023 following order was passed –

2. The learned CPO seeks time to comply the order of this Tribunal dated 11/07/2023, 21/08/2023 and 11/09/2023.

3. On the last date specific order was passed, but till date no reply is filed. The respondents are not complying the order of this Tribunal. The applicant is not getting pension and pensionary benefits.

4. The learned CPO submits that only one week may be granted to comply the order. Time is granted as a last chance.

5. On the next date the O.A. will be decided finally and no any adjournment will be granted on any ground.

6. Till date no reply is filed by the respondents. On 10.10.2023 Under Secretary of the Medical Education Department was present as per his submission, salary was paid to the applicant and V.R.S. application was forwarded to for final department for approach. Thereafter, also no any step is taken by the respondents.

7. The applicant had submitted V.R.S. application on 15.11.2022 since last more than one year. The respondents have not taken any steps to accept or the refuse V.R.S. application. As per Rule 66(2) of Maharashtra Civil Services (Pension) Rules, 1982 if the V.R.S. application is not accepted or rejected within 90 days then it is deemed to be accepted. The respondents are not taking any action on the application dated 15.11.2022 for V.R.S. moved by the applicant. The applicant is not on duty. He is not getting any pension and pensionary benefits. The respondents should have accepted or rejected the said application within 90 days but intentionally not taking any steps. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. It is hereby declared that the applicant is retired after completion of 90 days from the date of V.R.S. application dated 15.11.2022.
3. The respondents are directed to pay pension and pensionary benefits to the applicant within a period of one month from the date of this order.
4. The applicant is at liberty to claim interest as per Rule.
5. No order as to costs.

Vice Chairman

rsm.

O.A.No.714/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

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

2. As per the submission of learned counsel for the applicant, the applicant is in service but respondents are not paying the salary.

3. The learned P.O. is directed to get instructions from the respondents as to why salary is not paid.

4. **S.O. 11.01.2024.**

Vice Chairman

rsm.

O.A.No.44/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri A.Joshi holding for Shri S.N.Gaikwad, ld.
counsel for the applicant and Shri S.A.Sainis, ld. P.O.
for the Respondents.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

O.A.No.744/2021 with
O.A.No.326/2022 with
O.A.No.327/2022 with
O.A.No.328/2022 with
O.A.No.329/2022 with
O.A.No.330/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri G.K.Bhusari, ld. counsel for the applicants and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. 09.01.2024.**

Vice Chairman

rsm.

O.A.No.1076/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

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

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri B.C.Chandrikapure, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents 1 & 2. None for the respondent no.3.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

O.A.No.1136/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

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

2. As per the submission of learned counsel for the applicant, the respondents have treated the suspension period as it is without holding departmental enquiry.

3. The learned P.O. submits that departmental enquiry was held.

4. The learned P.O. is directed to produce the documents in respect of departmental enquiry, if any.

5. **P.H.**

6. **S.O. 12.01.2024.**

Vice Chairman

rsm.

O.A.No.1141/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Heard Shri S.K.Bhattacharya holding for Shri N.S.Warulkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. The learned counsel for the applicant has pointed out the Judgment of the Hon'ble High Court in Writ Petition No.3517/2022 decided on 02.01.2023.

3. The learned P.O. has pointed out the Judgment of the Hon'ble Supreme Court reported in Eastern Coalfields Limited Vs. Anil Badyakar and Others (2010) 1SCC (L&S) 220 decided on 15.05.2009.

4. **P.H.**

5. **S.O. 15.01.2024.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri R.V.Shiralkar, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the Respondents 1 to 4 & 6 and Ms.R.Gosawi appearing for Shri G.N.Khazode, ld. counsel for the respondent no.3.

2. At the request of ld. P.O., **S.O. 12.01.2024.**

Vice Chairman

rsm.

O.A.No.196/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri P.P.Khaparde ld. counsel for the applicants and Shri S.A.Sainis, ld. P.O. for the Respondents. None for Respondent no.5.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

O.A.No.198/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri P.P.Khaparde ld. counsel for the applicants and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

O.A.No.214/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri M.R.Khan, ld. counsel for the applicant
and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

O.A.No.1178/2022 with
O.A.No.1179/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Ms.N.S.Pathan, ld. counsel for the applicants
and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. **S.O. 16.01.2024.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

None for the applicant. Shri V.A.Kulkarni, Id.
P.O. for the Respondents 1 to 4. None for the
respondent no.5.

2. **S.O. after winter vacation.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

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

2. **S.O. 16.01.2024.**

3. **P.H.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri A.Kuril, ld. counsel for the applicant and
Shri A.P.Potnis, ld. P.O. for the Respondent no.1.
None for the respondents 2 & 3.

2. **S.O. 16.01.2024.**

Vice Chairman

rsm.

O.A.No.313/2023 with
O.A.No.320/2023 (S.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.

Shri J.S.Wankhede, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. The learned P.O. submits that reply is ready and it will be filed on next date.

3. **S.O. 15.01.2024.**

Vice Chairman

rsm.

O.A.No.757/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri R.V.Shiralkar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant, the applicant wants to file rejoinder.

3. **S.O.16.01.2024.**

Vice Chairman

rsm.

O.A.No.818/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri S.M.Khan, ld. counsel for the applicant,
Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3 and
Shri N.R.Saboo, ld. counsel for the respondent no.4.

2. As per the submission of learned P.O.,
Minutes of Civil Service Board is placed on record
but it is not on record.

3. The learned P.O. is directed to file Minutes of
Civil Service Board on record on the next date.

4. **S.O.02.01.2024.**

Vice Chairman

rsm.

O.A.No.757/2021 (S.B.)

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

Dated : 19/12/2023.

Heard Ms. Telang holding for Shri A.D.Girdekar, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of January, 2024 to file reply.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.892/2021 (S.B.)

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

Dated : 19/12/2023.

C.A.No.320/2021:-

Heard Shri A.P.Sadavarte, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the Respondents 1 to 3 and Shri N.D.Thombre, ld. counsel for the R-4.

2. On oral request of ld. P.O., **S.O. 08.01.2024 to file reply as a last chance.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.465/2022 (S.B.)

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

Dated : 19/12/2023.

None for the applicant. Shri A.P.Potnis, Id.
P.O. for the Respondents. Await service of R-2 to 4.

2. On oral request of Id. P.O., **S.O. 02nd week of
January, 2024 for steps.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.592/2022 (S.B.)

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

Dated : 19/12/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents. Await service of R-4.

2. Ld. P.O. points out that reply of respondents 1 & 3 is already filed.

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

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

5. **S.O. 03rd week of Jan., 2024.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.1140/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 19/12/2023.

Heard Shri K.N.Jain, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondents 1 & 2. 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. 16.01.2024 for final hearing.**

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

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.1148/2022 (S.B.)

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

Dated : 19/12/2023.

Heard Shri Kakkad holding for Shri S.S.Shinde, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

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

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

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

5. **S.O. last week of Jan., 2024.**

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

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.374/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 03rd week of Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.
aps.

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

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

Dated : 19/12/2023.

Heard Shri Sayajee, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents 1 to 5. None for the R-6.

2. On oral request of ld. P.O., **S.O. 02nd week of Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.443/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Shri R.V.Vyawhare, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of Jan., 2024 to file reply as a last chance.**

Member (J)

Date:- 19/12/2023.
aps.

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

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 19/12/2023.**

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

2. On oral request of Id. P.O., **S.O. 03rd week of
Jan., 2024 to file reply.**

Date:- 19/12/2023.
aps.

Member (J)

O.A.No.856/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Shri R.L.Kadu, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 03rd week of Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.872/2023 (S.B.)

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

Dated : 19/12/2023.

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

2. On oral request of Id. P.O., **S.O. 04.01.2024 to file reply as a last chance.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.887/2023 (S.B.)

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

Dated : 19/12/2023.

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

5. **S.O. 05.01.2024 for final hearing.**

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

7. *Interim relief to continue till final disposal.*

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.907/2023 (S.B.)

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

Dated : 19/12/2023.

C.A.No.404/2023:-

Heard Shri M.M.Awode, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. Ld. counsel for the applicant seeks time to file application for condonation of delay, **S.O. 02nd week of Jan., 2024.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.908/2023 (S.B.)

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

Dated : 19/12/2023.

C.A.No.587/2023:-

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., matter is **admitted** and kept for final hearing.

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

4. **S.O. 04.01.2024 for final hearing.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.1016/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Ms. G.Sharma holding for Shri S.D.Chande, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 03rd week of Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.1034/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 03rd week of Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.1164/2023 (S.B.)

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

Dated : 19/12/2023.

Shri M.R.Khan, ld. counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 03rd week of
Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.1165/2023 (S.B.)

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

Dated : 19/12/2023.

Shri M.R.Khan, ld. counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. last week of
Jan., 2024 to file reply.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.599/2016 (S.B.)

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

Dated : 19/12/2023.

Heard Shri N.R.Saboo holding for Shri S.U.Nemade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. counsel for the applicant, **S.O. After Winter Vacation for final hearing.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.900/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 19/12/2023.

Heard Shri I.N.Choudhari, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the Respondent no. 1 and Shri T.M.Zaheer, ld. counsel for the R-2 & 3.

2. On P. 8 of the O.A. arrears which are stated to be recoverable with interest are mentioned under six different heads. It is the submission of the applicant that arrears under heads 5 & 6 only have been paid and this payment is also made belatedly. On the other hand, it is the contention of Advocate for Respondents 2 & 3 that arrears under all six heads have been paid. It is not in dispute that the applicant superannuated on 31.12.2015. Considering this aspect the O.A. can be finally disposed of by issuing necessary directions.

3. **Closed for orders.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.927/2019 (S.B.)

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

Dated : 19/12/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 08.01.2024 for final hearing.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.786/2020 (S.B.)

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

Dated : 19/12/2023.

None for the applicant. Shri M.I.Khan, ld. P.O. for the Respondents 1 & 2 and Shri T.M.Zaheer, ld. counsel for the R-3 to 5.

2. Ld. counsel for the R-3 to 5 states on instructions that entire amount of arrears have been paid to the applicant.

3. **S.O. last week of Jan., 2024 for final hearing.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.453/2021 (S.B.)

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

Dated : 19/12/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of Jan., 2024 for final hearing.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.459/2021 (S.B.)

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

Dated : 19/12/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of Jan., 2024 for final hearing.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.209/2022 (S.B.)

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

Dated : 19/12/2023.

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

2. On oral request of Id. P.O., **S.O. 02nd week of January, 2024 for final hearing.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.502/2022 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 19/12/2023.**

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

2. On oral request of ld. P.O., **S.O. last week of
Jan., 2024 for final hearing.**

Date:- 19/12/2023.
aps.

Member (J)

O.A.No.534/2022 (S.B.)

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

Dated : 19/12/2023.

Heard Shri D.M.Totey, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 03.01.2024 to ascertain and make statement as to whether proposal dated 07.01.2018 is decided.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.234/2023 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 19/12/2023.**

Heard Ms. G.Sharma holding for Shri S.Kulkarni, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. It is the contention of the ld. P.O. that grievance of the applicant is redressed. Advocate for the applicant shall ascertain and make a statement on next date, **S.O. 03rd week of Jan., 2024.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.477/2023withC.A.No.415/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 4. None for the R-5.

2. Closed for orders.

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.613/2023withC.A.No.430/2023 with

O.A.No.614/2023withC.A.No.431/2023 (S.B.)

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

Dated : 19/12/2023.

Heard Shri K.S.Motwani, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents. None for the R-3 in O.A. No. 614/2023.

2. On oral request of ld. P.O., **S.O. 10.01.2024 for final hearing.**

Member (J)

Date:- 19/12/2023.

aps.

O.A.No.774/2023 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 19/12/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of Jan., 2024 for final hearing.**

Date:- 19/12/2023.
aps.

Member (J)

O.A.Nos.1042,1043,1044,1045&1046/23(S.B.)

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

Dated : 19/12/2023.

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

2. On oral request of ld. P.O., **S.O. 20.12.2023 for final hearing.**

Member (J)

Date:- 19/12/2023.
aps.

O.A.No.207/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

C.A.No.393/2023

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondent no.1. None for the respondent no.2.

2. The learned counsel for the applicant has pointed out prayer clause no.(i) in C.A.No.393/2023.

3. The C.P.O. is requested to get instructions about the Recruitment Rules as prayed in this C.A..

4. **S.O.17.01.2024.**

5. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.411/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri A.P.Sadavarte, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents 1 to 3. None for the respondents 4 to 8.

2. At the request of Id. P.O., **S.O. 19.01.2024**
for filing reply as last chance.

Vice Chairman

rsm.

O.A.No.925/2023 (D.B.)

Coram: Shri Justice M.G.Giratkar,Vice Chairman

Dated : 19/12/2023.

Heard Shri N.D.Thombre, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. The learned C.P.O. has filed the communication dated 19.12.2023. It is marked Exhibit-X for identification. As per order of this Tribunal dated 17.08.2023, respondents were directed to allow the applicant to appear in the interview to be held on 17.08.2023 and 18.08.2023. The respondents were directed to keep their result of interview in sealed enveloped the result of the applicant is the outcome of the O.A.. As per this communication dated 19.12.2023 forwarded by M.P.S.C., it is clear that none of the applicant have secured the benchmark / cut off marks for the interview and, therefore they were not allowed. They have not passed the examination the cut off marks are shown in para nos.3, 4 & 5 of the letter. Those are reproduced below-

३. त्यानुषंगाने आपणास कळविण्यास येते की, मूळ अर्ज क्र. १०२०/ २०२३ मधील उमेदवार श्री. सुहास कोरे यांची आयोगाकडून मुलाखत घेण्यात आलेली नाही यास्तव ते शिफारस पात्र ठरू शकत नाहीत, मूळ अर्ज क्रमांक-९२५/२०२३ मधील उमेदवार डॉ. हरी पवार यांना एकूण १०६.५० गुण प्राप्त झाले असून त्यांचा मूळ प्रवर्ग 'अनुसूचित जमाती' (ST) आहे. मात्र, अनुसूचित जमाती या प्रवर्गाकरीता गुणांची अंतिम सीमांकन रेषा १२२ असल्याने ते शिफारस पात्र ठरू शकत नाहीत.

४. मूळ अर्ज क्र. ९२५/२०२३ मधील दुसरे उमेदवार डॉ. रमेश बनसोड यांना एकूण १०६.५० गुण प्राप्त झाले असून, त्यांचा मूळ प्रवर्ग 'अनुसूचित जाती' (SC) आहे. अनुसूचित जाती या प्रवर्गाकरीता गुणांची अंतिम सीमांकन रेषा १२३ असल्याने श्री. बनसोड हे देखील शिफारस पात्र ठरू शकत नाहीत.

५. मूळ अर्ज क्र. ९२५/२०२३ मधील तिसरे उमेदवार डॉ. सुभाष ढोले यांना एकूण १०२.५० गुण प्राप्त झाले असून, त्यांचा मूळ प्रवर्ग 'अनुसूचित जमाती' (ST) हा आहे. अनुसूचित जमाती या

प्रवर्गाकरीता गुणांची अंतिम सीमांकन रेषा १२२ असल्याने ते देखील शिफारस पात्र ठरू शकत नाहीत.

3. In view of the above, nothing survives in this O.A.. Hence, O.A. is disposed of. No order as to costs.

Vice Chairman

rsm.

O.A.No.1020/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Heard Shri N.D.Thombre, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. At the request of ld. C.P.O., **S.O. 15.01.2024**
for filing reply.

Vice Chairman

rsm.

O.A.No.1026/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri N.J.Gaikwad, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. At the request of ld. C.P.O., **S.O. four weeks for filing reply.**

Vice Chairman

rsm.

O.A.No.1302/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

C.A.No.654/2023

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

2. All applicants are claiming common relief. Looking to the submission, C.A. for Jt. O.A. is allowed and disposed of.

O.A.No.1302/2023

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

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

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

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

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

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

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

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

Vice Chairman

rsm.

C.P.No.36/2023 in
O.A.No.729/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri R.M.Fating, ld. Counsel for the applicant
and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

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

Vice Chairman

rsm.

C.P.No.05/2023

in

O.A.No.343/2020 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri A.Motlog holding for Shri V.B.Bhise, Id.
Counsel for the applicant and Shri H.K.Pande, Id. P.O.
for the Respondents.

2. As per the submission of learned P.O., he
wants three weeks time to get instructions from the
Government.

3. **S.O. after three weeks.**

Vice Chairman

rsm.

C.P.No.61/2023 in
O.A.No.191/2019 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.

Shri S.P.Palshikar, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. The learned counsel for the applicant has pointed out the order dated 26.10.2023 passed by this Tribunal. The respondents have not complied the order.

3. The learned P.O. is directed to get instructions as to why the said order is not complied.

4. **S.O. 08.01.2024.**

Put up this matter along with C.P.No.104/2023 in O.A.No.370/2023 & C.P.No.105/2023 in O.A.No.371/2023.

Vice Chairman

rsm.

O.A.No.980/2023 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.

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

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

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

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

Vice Chairman

rsm.

O.A.No.1168/2023 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.

Heard Shri R.L.Kadu, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

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

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

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

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

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

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

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

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

Vice Chairman

rsm.

**O.A.No.1307/2023 with O.A.No.1308/2023 with O.A.No.1309/2023 with
O.A.No.1310/2023 with O.A.No.1314/2023 (D.B.)**

**Coram: Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Heard Shri A.D.Girdekar, ld. Counsel for the applicants and Shri S.A.Deo, ld. C.P.O. for the State.

2. The learned counsel for the applicants has pointed out the order passed by this Tribunal in O.A.No.279/2016 dated 06.05.2016. He has also pointed out the order passed by the Hon'ble Chairman in O.A.No.466/2015 dated 12.04.2016 and granted interim relief.

3. The applicants are seeking the same relief. Hence, the following order.

ORDER

The G.R. dated 07.08.2012 is hereby stayed in respect of the applicants.

2. Issue notice to Respondents, returnable **after four weeks**. Learned C.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.**

9. **Steno copy is granted.**

Vice Chairman

rsm.

C.P.No.128/2023 in
O.A.No.528/2019 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.

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

2. Issue Notice to the respondents returnable **after 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 S.A.Deo, the learned C.P.O. waives notice for respondent No. 1. Hamdast granted.
4. **S.O. after four weeks.**

Vice Chairman

rsm.

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

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Heard Shri B.Kulkarni, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. **S.O. 16.01.2024.**

Vice Chairman

rsm.

O.A.No.1002/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant and learned P.O., this O.A. is covered by the Judgment of Hon'ble High Court and confirmed by the Hon'ble Supreme Court.

3. **Closed for Orders.**

Vice Chairman

rsm.

O.A.No.909/2022 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant, this O.A. is covered by the Hon'ble Supreme Court in the case of Union of India Vs. K.V.Jankiraman And Others reported in (1991) 4 SCC 109 decided on 27.08.1991 and the recent Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in the case of Ashok Madhukar Nand Vs. the State of Maharashtra and Others in Writ Petition No.1672/2022 decided on 05.10.2023.

3. **Closed for Orders.**

Vice Chairman

rsm.

O.A.No.1137/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

Shri R.M.Fating, ld. Counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. The learned counsel for the applicant has submitted that this O.A. is covered by the Judgement of the Hon'ble Supreme Court in Writ Petition No.1042/2021 decided on 17.05.2023. Copy of Judgment in Writ Petition No.1042/2021 is filed on record.

3. The learned P.O. submits that this O.A. is not covered by this Judgment. The learned P.O. is requested to go through this Judgment and make submission whether this Judgment is applicable to the present O.A. or not.

4. **S.O. 15.01.2024.**

Vice Chairman

rsm.

O.A.No.232/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 19/12/2023.**

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

2. **S.O. 16.01.2024.**

Vice Chairman

rsm.