

O.A.No.840/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/2022.

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

2. The ld. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

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

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

5. **S.O. four weeks.**

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

Vice Chairman

Date:-27/04/2022.
aps.

O.A.No.154/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/2022.

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

2. The ld. P.O. has filed correspondence dated 30.03.2022 from Deputy Director (Pre-service Teaching), State Council of Educational Research & Training, Maharashtra, Pune. It is taken on record. Copy is served to the other side.

3. According to this letter at page no. 2, para no. 1, it is subsequently directed that all the employees and officers should be paid their salary on priority for the financial year 2021-2022.

4. As submitted by ld. P.O., relief clause (ii) on page no. 9 has been complied. As far as relief clause (iii) is concerned; respondents are directed to ensure regular and prompt salary of the applicant in further months also. Clause IV has been already taken care of by the department. The ld. P.O. submits that all the grievances have been redressed.

5. As submitted by ld. counsel for the applicant his all grievances have not been redressed and he desires to argue on the prayer clause (ii) & (iii) which is still pending. The ld. counsel for the applicant submits that he was not get salary of last two months but he was not clear about salary of which months. Ld. counsel for the applicant is

directed to clear about these months at the time of next hearing.

6. The ld. P.O. is directed to file reply positively at next hearing, **S.O. after summer vacation.**

Vice Chairman

Date:-27/04/2022.
aps.

O.A.No.278/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/ 2022.**

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

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

Vice Chairman

Date:-27/04/2022.

aps.

O.A.No.324/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/ 2022.**

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

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

Vice Chairman

Date:-27/04/2022.

aps.

O.A.No.770/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/ 2022.

Heard Shri S.Majid, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the State.

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

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

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

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

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

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

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Vice Chairman

Date:-27/04/2022.
aps.

O.A.No.880/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/2022.

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

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

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

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

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

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

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

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

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

Vice Chairman

Date:-27/04/2022.
aps.

O.A.No.437/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/ 2022.

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

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

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

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

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

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

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

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. four weeks.

Vice Chairman

Date:-27/04/2022.

aps.

O.A.No.441/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :27/04/ 2022.

Heard Shri K.Nalamwar, the ld. counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the State.

2. The ld. counsel for the applicant submits vide impugned order 14.01.2022 (A-15, Pg. No. 36) last para which is reproduced below:-

“शासकीय विद्या निकेतन अमरावती येथील चित्रकला शिक्षक या पदाची वेतन श्रेणी पाचव्या वेतन आयोगानुसार रु. ५४००-७००० अशी असून, सहाय्या वेतन आयोगानुसार समकक्ष वेतन श्रेणी रु. ५२००-२०२००/- ग्रेड वेतन रु. २८०० अशी आहे. तथापी श्री सोनेने हे रु. ४३००/- ग्रेड वेतन मध्ये वेतन अदा करित असल्याचे दिसून येत आहे. सदर बाब चुकीची असून शासनाची आर्थिक फसवणूक करणारी आहे. त्यामुळे श्री सोनेने यांची वेतन श्रेणी रु. ५२००-२०२००/- ग्रेड वेतन रु. २८०० अशी करण्यात यावी. तसेच जास्त दराने अदा करण्यात आलेले वेतन टप्पाटप्पाने वसूल करण्यात यावे.”

3. It appears that applicant was earlier paid after 6th pay commission grade pay of Rs. 4300/-. Subsequently, Department submits that it was wrongly fixed and it should be fixed for Rs. 2800/-. Being aggrieved by this order, applicant approached to the Tribunal. The ld. counsel for the applicant requesting for temporary relief on the said order dated 14.01.2022 (A-15, Pg. No. 36) which has been already started.

4. The ld. counsel for the applicant has not made party to Pay Verification Unit, who is competent authority to verify the pay of any employee. The ld. counsel for the applicant is directed to amend the respondents accordingly.

5. Till the time, **order dated 14.01.2022 (A-15, Pg. No. 36) and 24.03.2022 (A-16, Pg. No. 38) are stayed.** However, recovery is also stayed till the pay is finalised.

6. Issue notice to Respondents. Subsequently, office is directed to issue notice to the amended respondent returnable on four weeks. Learned P.O. waives notice for R-1. 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.
12. **S.O. four weeks.**
13. **Steno copy is granted.**

Vice Chairman

Date:-27/04/2022.

aps.

O.A.No.555/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/ 2022.

Heard Shri M.R.Patil, the ld. counsel for the applicant, Shri A.P.Potnis, the ld. P.O. for the Respondents and Shri T.M.Zaheer, the ld. counsel for the respondent nos. 2 & 3.

2. The applicant was initially appointed as Junior Clerk in the office of respondent no. 2 on 03.10.1983 (A-3, Pg.No.14) at Sr. No. 4, Irrigation Department, Ramtek, Nagpur.

3. Subsequently, Government has issued G.R. dated 21.12.2019 for appointing employees on supernumerary posts for 11 months who have not submitted Caste Verification Certificate. Subsequently, applicant was appointed on supernumerary post on 28.09.2020. Consequent to G.R. dated 12.12.2019, applicant was placed on supernumerary post vide order dated 02.03.2020 (A-4, Pg. No. 19). The applicant's name appeared at page no. 20.

4. The ld. counsel for the applicant is not sure whether this order was stayed by any Court or not? He is to clarify first that whether this order was stayed by any Court. He further directed to submit the same on record by the way of affidavit.

5. **S.O. 05.05.2022.**

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

7. *Put up this matter along with O.A. No. 634/2021.*

Vice Chairman

Date:-27/04/2022.
aps.

O.A.No.634/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/2022.

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

2. The applicant was initially appointed as Craft Instructor (under Open/General Category) in S.T. category on 19.11.1985 (Page No. 20, A-3) it was perused and discussed. There are 17 conditions in the appointment letter but none of the condition says that applicant is required to produce Caste Verification Certificate within whatever period. Indirectly it reflects that respondents did not require Caste Verification Certificate as per appointment letter or applicant was either from Open Category. Hence, he was not required to produce a Caste Certificate.

3. The ld. P.O. is directed to take instructions regarding the same. The ld. counsel for the applicant has relied on W.P. No. 6679/2020 (A-17, Pg. No. 52) in the case of **Manohar R. Kusayya Korvi Vs. State of Maharashtra & Ors. delivered on 28.06.2021.** Para no. 6 of the said judgment is below:-

“6. By an order dated 22nd March, 2021, this Court had directed the employer of the petitioner to place on record his appointment order and service book. We are unable to apprehend as to what restrained respondent no. 2 from specifically stating that the post of Peon, occupied by the

petitioner, was reserved for the scheduled tribe category when it's vacancy was advertised and that the petitioner was selected and appointed as a Peon only because he belonged to the Telgu (Mannervarlu) scheduled tribe. In the absence of such pleadings and in the light of the solemn statement made by the petitioner that he was not selected on a post reserved for the scheduled tribe category, we have no reason to doubt the statement of the petitioner in the face of there being no denial by respondent no. 2."

4. His service book should also been filed but sometime service book also become misleading because even if S.T. or S.C. candidates are appointed in open quota. They are being written in the service book as S.C. or S.T. candidate.

5. In this case appointment letter of the applicant is totally silent about applicant being S.T. Category and as discussed above nowhere it is mentioned that verification unit is required by department. Applicant appointed as an open candidate. However, ld. counsel for the applicant is directed to produce copy of the service book in the next date of hearing.

6. The ld. P.O. is directed to take instructions from the department that whether applicant was appointed under S.T. Category or which category? The ld. counsel for the applicant is also directed that if he is from Open Category then by which order he was placed on supernumerary post for 11 months by

G.R. dated 21.12.2019 that G.R. should also be challenged.

7. Steno copy is granted.

8. Matter be treated as P.H.

8. Put up this matter along with O.A. No. 555/2021.

Vice Chairman

Date:-27/04/2022.
aps.

O.A.No.734/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/04/ 2022.

Heard Shri M.R.Patil, the ld. counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. The applicant was appointed as Junior Clerk under office of Police Inspector General, Thane vide order dated 27.06.1991 (A-2, Pg. No. 14) and in the appointment letter at Sr. No. 4 condition has been mentioned below:-

“मागासवर्गीय असल्यास, त्साबाबतचे सक्षम अधिका-याचं प्रमाणपत्र.”

3. That means since applicant had claimed backward class, he was supposed to submit certificate related to backward class as per appointment letter. Applicant has produced Caste Certificate of S.B.C. Category vide letter dated 03.02.2014 (A-6, Pg. No. 21). By document it appears that applicant was appointed on 20.06.1991 (A-2, Pg. No. 14) since certificate of S.B.C. is dated 03.02.2014 i.e. after the G.O.M. order in Gowari Stampede Case in Nagpur in December, 1994 Session. The Government took a decision of 2% reservation of S.B.C. including 'Gowaris' and certain categories were included in S.B.C. category. Employees were given choice to produce S.B.C. certificate and request to transfer them to S.B.C. quota on the condition that they will have seniority from 15.06.1995 only.

4. In this case nothing such record produced by the applicant, this shows that applicant has also not

given anything in written. The ld. counsel for the applicant is directed to take instructions regarding these details and file on record, supply the copy to the other side.

5. The ld. counsel for the applicant is directed to study the case of S.B.C. category and applicant's action regarding whether he submitted application to shift him to S.B.C. category after 1995 G.R. All these facts should be cleared in the next hearing.

6. **S.O. 2nd Week of June, 2022.**

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

Vice Chairman

Date:-27/04/2022.
aps.