

**O.A.No.1341/2023 with O.A.No.1342/2023 with O.A.No.1343/2023 with
O.A.No.1344/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 28/12/2023.**

Heard Ms.A.Warjekar, ld. counsel for the applicants and ShriS.A.Sainis, ld. P.O. for the State.

2. The learned counsel for the applicants has pointed out letter dated 27.03.2017 issued by Desk Officer, Government of Maharashtra for verification of the Sports category of the applicant Pravin Rajaram Jaigude. It was verified by Deputy Director, Sports and Youth service Nagpur Division Nagpur dated 31.03.2023. As per this verification letter dated 23.02.2018, the applicant was eligible for the post of Group-C & D. In other O.As. also the applicants were found eligible in the Sports category. Accordingly, they were appointed by the respondents in the Sports category. All the applicants are having Certificates of Power Lifting.

3. As per the impugned order, they were wrongly granted Sports Certificates.Appeals were filed by the applicants. Those appeals were dismissed by the Appellate Authority. Therefore, respondents have issued show cause notice to the applicants as to why their services should not be terminated. Some of the applicants were given oral notices and some of the applicants were given written show cause notices.

4. The applicants were found eligible by the Government of Maharashtra on the posts of Group-C & D and therefore they were appointed by the respondents. Now, respondents without any detailed enquiry cannot terminate them. The applicants were appointed in the year 2018 – 2019.

5. The learned counsel for the applicants has pointed out the order passed by this Tribunal in O.A.Nos.1254/2023 and other connected matters dated 30/11/2023. This Tribunal has passed the following order-

(1) The interim relief is granted.

(ii) The respondents are directed not to take any coercive action as per the communication dated 01/08/2022 and order dated 13/02/2023 in O.A. 1254/2023, as per communication dated 25/07/2022 and order dated 03/10/2023 in O.A.1255/2023, as per communication dated 02/08/2022 and order dated 21/06/2023 in O.A.1256/2023 and as per communications dated 25/07/2022 and 03/10/2023 in O.A.No. 1259/2023, until further orders

6. The applicants are similarly situated employees as like employees in O.A.Nos.1254/2023 and other connected matters. Hence, the following order.

ORDER

1. **Interim relief is granted.**
2. **Respondents are directed not to take any coercive action as per communications dated 25.07.2022 & 03.10.2023 in O.A.No.1341/2023, Communications dated 10.07.2022 & 03.10.2023 in O.A.No.1342/2023, Communications dated 14.07.2022 & 03.10.2023 in O.A.No.1343/2023, Communications dated 21.07.2022 & 03.10.2023 in O.A.No.1344/2023, until further orders.**

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

13. **S.O. after four weeks.**

Steno copy is granted

Vice Chairman

rsm.

**O.A.No.1345/2023 with O.A.No.1346/2023 with O.A.No.1347/2023 with
O.A.No.1348/2023 with O.A.No.1349/2023 (D.B.)**

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

Dated : 28/12/2023

Heard Ms.A.Warjekar, ld. counsel for the applicants and ShriS.A.Sainis, ld. P.O. for the State.

2. As per the submission of learned counsel for the applicants, the applicants were appointed in the Sports category of Karate. Now, respondents have started departmental enquiry against the applicants on the ground that they have produced false Certificates. The departmental enquiry is initiated against the applicants on the ground that Sports category of Karate was not affiliated to the Olympic Association.

3. Now, the respondents have already initiated departmental enquiry. Respondents cannot be restrained for continuing departmental enquiry. Hence, the following order.

ORDER

1. The respondents are directed not to terminate the applicants till the completion of departmental enquiry.

2. The respondents are at liberty to find out the truth in the departmental enquiry.

4. Issue notice to Respondents, returnable **after four weeks**. Learned P.O. waives notice for respondents. Hamdast allowed.

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

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

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

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

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

10. **S.O. after four weeks.**

11. **Steno copy is granted**

Vice Chairman

rsm.