

O.A.No.594/2019 (S.B.)

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

Dated :30/06/2022.

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

2. Ld. P.O. states that on next date he will positively file reply. He is further directed to supply the same to the other side in advance.

3. **S.O. 13.07.2022.**

Member (J)

Date:-30/06/2022.

aps.

O.A.Nos.1039,1040&1041/2019 (S.B.)

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

Dated :30/06/2022.

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

2. The ld. P.O. has filed reply on behalf of the respondent no. 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 notices for the respondents.

5. **S.O. four weeks for final hearing.**

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.34/2020 (S.B.)

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

Dated :30/06/2022.

Heard Shri A.Barahate holding for Shri N.R.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. three weeks to file reply as a last chance.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.135/2020 (S.B.)

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

Dated :30/06/2022.

None for the applicant. Shri V.A.Kulkarni, Id.
P.O. for the State. Await service of R-2 to 5.

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.331/2021 (S.B.)

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

Dated :30/06/2022.

Heard Shri V.G.Palshikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. four weeks for final hearing.**

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.483/2021 (S.B.)

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

Dated :30/06/2022.

Heard Shri A.R.Ingole, 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 to file reply as a last chance.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.696/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :30/06/2022.

None for the applicant. Shri V.A.Kulkarni, ld.
P.O. for the Respondents.

2. S.O. 05.07.2022.

Date:-30/06/2022.
aps.

Member (J)

O.A.No.1113/2021 (S.B.)

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

Dated :30/06/2022.

Heard Shri R.S.Suryawanshi, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents. None for the R-4.

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.301/2022 (S.B.)

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

Dated :30/06/2022.

Heard 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. 06.07.2022 to file reply.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.375/2022 (S.B.)

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

Dated :30/06/2022.

Heard Shri S.Pande, 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. one week to file reply.**

Member (J)

Date:-30/06/2022.

aps.

O.A.Nos.113&114/2022 (S.B.)

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

Dated :30/06/2022.

None for the applicant. Shri V.A.Kulkarni, ld.
P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.464/2022 (S.B.)

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

Dated :30/06/2022.

C.A.No.159/2022:-

Heard Shri N.A.Waghmare holding for Shri P.B.Patil, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

2. **C.A.No.159/2022 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:-30/06/2022.
aps.

O.A.No.882/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :30/06/2022.

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

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

Date:-30/06/2022.
aps.

Member (J)

O.A.No.148/2022 (S.B.)

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

Dated :30/06/2022.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents. Await service of R-2.

2. Ld. counsel for the applicant states respondents are served and he will file service affidavit within a week. At the request of ld. P.O., **S.O. four weeks for reply.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.934/2019 (S.B.)

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

Dated :30/06/2022.

C.A.No.196/2022:-

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

2. **C.A.No.196/2022 for Jt. O.A. is allowed and disposed of.** The amendment shall be carried out within two weeks.

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

4. Liberty is granted to respondents to file additional reply if deemed necessary.

Member (J)

Date:-30/06/2022.

aps.

O.A.No.173/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :30/06/2022.

Heard Shri S.C.Joshi, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents. None for R-2.

2. Ld. counsel for the applicant has filed pursis for withdrawal on 27.06.2022. In view of pursis for unconditional withdrawal, **O.A. is disposed of as withdrawal with no order as to costs.**

Member (J)

Date:-30/06/2022.
aps.

O.A.No.142/2020 (S.B.)

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

Dated :30/06/2022.

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

2. Ld. P.O. points out that reply is already filed
on behalf of the respondent nos. 1, 2, 3 & 5. Hence,
matter is **admitted** and kept for final hearing.

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

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.671/2022 (S.B.)

Shri C.M.Bhaisare Vs. State of Maharashtra & 4 Ors.

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

Dated :30/06/2022.

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

2. Ld. P.O. waives service for the respondents. By consent the matter is heard finally.

3. The applicant was appointed as Assistant Engineer, Grade-II on 08.02.1996. At the time of his appointment he furnished his school certificate (A-1) in which his date of birth was stated to be 01.07.1964. This date was entered in his service book. On 20.03.1997 he obtained his birth certificate (A-3) from Gram Panchayat of Village-Jeevanpur, Tah. Kuhi, Dist. Nagpur. In this certificate his date of birth was mentioned as 10.10.1967. On the basis of this certificate he submitted application (A-4) before respondent no. 4 for correction of his date of birth. His application was not decided. Therefore, on 25.03.2022 he made a representation (A-5) to respondent no. 3 for correction of date of birth. Because this representation was also not decided he filed O.A. No. 505/2022 before this Bench. It was disposed of by order dated 06.05.2022 with a direction to respondent no. 3 to decide the representation before retirement of the applicant (A-7). As per correspondence among the respondents (A-8, A-9, A-10)

the application for correction of date of birth moved by the applicant (On 03.12.1999) was not traceable but office record showed that it was filed. The applicant obtained birth certificate (A-11) from the local body showing his date of birth to be 10.10.1967. It was issued on 24.06.2022. The applicant was informed by letter dated 21.06.2022 (A-12) that he would stand retired on superannuation on 30.06.2022. This communication according to the applicant, is based on incorrect date of birth entered in his service book. By order dated 28.06.2022 (A-13) which is impugned, respondent no. 1 informed him as follows:-

“३.श्री चतुर्भुज मारोती भैसारे, उपविभागीय अभियंता यांच्या मुळ सेवा पुस्तकामध्ये त्यांचा जन्म दिनांक ०१.०७.१९६४ या ऐवजी दिनांक १०.१०.१९६७ असा बदल करण्यासंदर्भात कळविण्यात येते की, महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) नियम, १९८१ मधील नियम ३८ मधील पोटकलम (२) च्या (एफ) मधील तरतुदीनुसार सेवापुस्तकात वयाची किंवा जन्मतारखेची एकदा नोंद केल्यावर, संबंधित व्यक्ती व्यतिरिक्त दुस-रा एखाद्या व्यक्तीने काळजी न घेतल्यामुळे किंवा उघड-उघड लेखनदोष म्हणून अशी नोंद झाली आहे असे कळल्याखेरील या नोंदीत नंतर कोणतही फेरबदल केला जाऊ नये अशी तरतुद असल्याने श्री भैसारे यांच्या प्रकरणातील सदर नियमातील मुख्य नियमाची पूर्तता होत नाही”

Hence this application.

4. Relevant part of Rule 38 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 reads as under:-

“38. Procedure for writing the events and recording the date of birth in the service book

(1) In the service book every step in a Government servant's official life, including temporary and officiating promotions of all kinds, increments and transfers and leave availed of should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave account and attested by the Head of the Office. If the Government servant is himself the Head of an Office, the attestation should be made by his immediate superior.

(2) While recording the date of birth, the following procedure should be followed:--

(a) The date of birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on;

(b) In the case of a Government servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth;

(c) When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth;

(d) In the case of Government servant who is only able to state his approximate age and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment;

(e) When the date, month and year of birth of a Government servant are not known, and he is unable to state his approximate age, the age by appearance as stated in the medical certificate of fitness, in the form prescribed in rule 12 should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth deducted accordingly;

(f) When once an entry of age or date of birth has been made in a service book no alteration of the entry should afterwards be allowed, unless it is known that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error;

Instruction.--- (1) No application for alteration of the entry regarding date of birth as recorded in the service book or service roll of a Government servant, who has entered into the Government service on or

after the 16th August 1981, shall be entertained after a period of five years commencing from the date of his entry in Government service.

(2) Subject to instruction (1) above, the correct date of birth of a Government servant may be determined, if he produces the attested zerox copy of the concerned page of the original birth register where his name and date of birth has been entered as per the rules for the time being in force regarding the registration of birth, and maintained at the place where the Government servant is born, such proof should be considered as an unquestionable proof for change of date of birth in service book.”

5. It is the contention of Shri S.N.Gaikwad, Id. Counsel for the applicant that the application (A-4) was filed by the applicant well within the period of 5 years stipulated in Rule 38 of the Maharashtra Civil Services (General Condition of Services) Rules, 1981. It is a matter of record that the applicant joined soon after receipt of letter of appointment dated 01.02.1996 (A-1) and filed the application (A-4) for correction of date of birth on 03.12.1999.

In reply Id. P.O. Shri A.M.Khadatkar submitted that along with application (A-4) the applicant did not file necessary documents and hence the same could not be

processed. According to him, mere application for correction of date of birth, unsupported by requisite documents, cannot, in fact, be said to be an application contemplated under Rule, 38.

6. According to Advocate Shri S.N.Gaiwad along with application (A-4) the applicant had given birth certificate (A-3).

7. Contents of application of A-4 are as follows:-

“सविनय विनंती येणे प्रमाणे आहे की माझा जन्म जिवनापूर (स्वगाव) खेळेगावात झाला असून ग्रामपंचायत मधील जन्म मृत्यू रजिस्टर मध्ये माझ्या जन्माची १०.१०.१९६७ नोंद आहे. एवढे नक्की की माझा जन्म सन १९६४ या वर्षात झाला नसून माझा जन्म ऑक्टोबर १९६६ मध्ये झाला असावा (माझ्या वर्गातील मुलांच्या जन्म तारखे वरून)

करीता विनंती आहे की माझी जन्म तारीख बदलून मिळण्या करीता प्रयत्न करावे.”

From these contents it can be inferred that this application is not worthy on implicit reliance. In this application there are overwritings. The applicant himself was not certain about his date of birth. This would also reflect adversely on reliability of birth certificate (A-3).

8. The Id. P.O. has relied on following para of circular dated 24.06.1992 (A-6) issued by Government of Maharashtra. It reads as under:-

“या बाबत आता असे आदेश देण्यात येत आहेत की, शासकीय कर्मचा-याने त्यांच्या सेवापुस्तिका नोंदण्यात आलेल्या जन्मदिनांकामध्ये दुरुस्ती करण्यासाठी दिलेला अर्ज सोबत जोडलेल्या तपासणीसूची नुसार तपासून आवश्यक प्रस्ताव सामान्य प्रशासन विभाग व वित्त विभागास सादर करावा की जेणेकरून उपरोक्त विभागांना ह्या प्रस्तावाची छाननी महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) नियम १९८१ च्या नियम ३८ प्रमाणे करून योग्य तो निर्णय घेता येईल”

List of the documents referred to in this circular is at page no. 19. It can be gathered that along with his application (A-4) the applicant did not submit necessary documents so as to enable his employer to process his application for correction of date of birth.

9. It is apparent that application dated 03.12.1999 (A-4) cannot be treated to be an application contemplated in Rule 38.

10. Thereafter, the applicant moved application (A-5) only on 24.03.2022. This can be treated to be the first application as contemplated in Rule 38.

11. I have quoted para 3 of the impugned order. It refers to Rule 38 (f).

12. The applicant has relied on “**Shri Ramesh Daga Chaudhari Vs. State of Maharashtra and 2 Ors.** (Judgment delivered by Aurangabad Bench of this Tribunal

on 22.04.2019 in O.A. No. 897/2018)". The applicant is relying on following observations made in this Judgment:-

"11. Respondents have committed grave error in failing to read exact object and the effect of instruction no.1 contained in Sub Rule 2 of Rule 38. The instruction no.1 is in the nature of a proviso which carves out an enabling provision entitling a Government servant to make application for correction in date of birth, which is an enabling provision and for empowering the Government to correct the date of birth. It further implies and mandates that the claim must be based on genuine facts and legitimate evidence. (Emphasis supplied)

12. It is thus evident that impugned rejection of applicant's claim for correction in date of birth by the respondents is done in an autocratic manner than an administrative action based on reason.

13. Moreover, for rejection of applicant's request, the reason assigned by the Respondents is that no such correction is permissible relying on clause (f) of Rule 38(2), is the product of incomplete and half-hearted reading of the rule rather omission of neglect towards reading the instruction no.1 stated below Sub Rule 2 of Rule 38 of the Maharashtra Civil

Services (General Conditions of Services) Rules, 1981.”

So far as this ruling is concerned, it is pointed out by Id. P.O. that the applicant in the said case had submitted more than 20 applications to pursue the matter of correction of date of birth whereas in the instant case the applicant made one application on 03.12.1999 which could not have been processed and thereafter he made an application only on 24.03.2022 when his retirement on superannuation was barely three months away.

In this ruling this Tribunal emphasised that the claim must be based on genuine facts and legitimate evidence.

13. The applicant further relied on “**Bharat Cooking Coal Limited & Ors. Vs. Chhota Birsa Uranw (2014) 12 SCC 570**” In this case it is observed that unless a clear case on the basis of materials which can be held to be conclusive in nature is made out by the employee, Court/Tribunal should not issue directions on the basis of materials which make such claim only plausible, and date of birth of the employee is to be determined as per prescribed applicable/framework existing in organisation but a wronged employee should not be denied his rights specially when he had adhered to procedure laid down for the purpose. These observations do not strengthen case of the

applicant. It may be reiterated that the application which the applicant gave within the period of five years stipulated in Rule 38 was not accompanied by the documents prescribed in circular dated 24.06.1992 (A-6) and hence said application could not have been proceed.

14. The applicant has also relied on “**Prabhat Kumar Titus Vs. Western Coalfields Ltd. Nagpur and Ors. 2021 (6) Mh.L.J.**”. In this case application was filed for correction of date of birth. The applicant issued reminders. The application was not decided for a long period of 9 years. No decision was communicated. In these facts it was held that for fault of the employer in not deciding the application for such a long period the applicant could not be made to suffer. On facts, it was held that contention of the employer that the applicant had approached the court after 30 years of his service and only at the fag end of his service could not be accepted. By holding thus the employer was directed to correct the date of birth of the applicant. So far as this rulings is concerned, the ld. P.O. submitted that in the instant case first application dated 03.12.1999 could not be treated to be an application under Rule 38, the applicant did not pursue the matter, he filed application for correction of date of birth only on 24.03.2022, in between he slept over his right to properly apply for change in date of birth and for these reasons the aforesaid ruling will not be applicable. I find merit in this submission.

15. On the other hand, the respondents have relied on **“Judgment of Hon’ble Apex Court in Civil Appeal No. 5720 of 2021 in the case of Karnataka Rural Infrastructure Development Limited Vs. T.P. Nataraja & Ors. Judgment delivered on 21.09.2021.** In this case the employee was held to be not entitled to any relief or change of date of birth on the ground of delay and laches as request for change of date of birth was made after lapse of 24 years since he had joined the service. In the instant case also laches can be attributed to the applicant. Initially he submitted application on 03.12.1999 without attaching to it necessary documents. Thereafter he submitted application only on 24.03.2022. Thus, he was clearly guilty of laches.

The respondents further relied on **State of U.P. & Ors. Vs. Smt. Gulaichi, 2003 AIR SCW 3775”** In this case it is held:-

“The court or the Tribunal must, therefore, be slow in granting an interim relief or continuation in service, unless prima facie evidence of unimpeachable character is produced because if the public servant succeeds, he can always be compensated, but if he fails, he would have enjoyed undeserved benefit of extended service and thereby caused injustice to his immediate junior.”

The respondents have also relied on Judgment dated 22.11.2017 delivered by this Tribunal in O.A. No. 139/2017. In this case it was observed:-

“9. The applicant is a Co-operative Officer, Group-I and therefore it cannot lie in his mouth that he was not knowing the provisions as regards change of date of birth. Since the applicant came to know in 1985 itself that his date of birth was wrongly recorded in the school record, he ought to have taken efforts to see that his date of birth was corrected. However he took advantage of his date of birth, i.e., 1/1/1960 and taking advantage of that date of birth till his education was completed, not only that he also joined the services in 1992 and submitted the documents in support of his date of birth as 1/1/1960 to the respondent authorities. Even for argument’s sake, it is accepted that application was made for correction of date of birth within five years as per the rules, the applicant remains silent from 1997 till filing of this O.A. in 2017 and has filed this O.A. at the fag end of retirement. Such attitude on the part of applicant cannot be ignored.”

The respondents have further relied on **“Life Insurance Corporation of India & Ors. Vs. R.Basavaraju**

Alias Basappa (2016) 15 SCC 781". In this case following observations are made :-

"In the case of Home Deptt. v. R. Kirubakaran, this Court again observed: (SCC P. 157, para 5)

"4. Normally, in public service, with entering into the service, even the date of exit, which is said as date of superannuation or retirement, is also fixed. That is why the date of birth is recorded in the relevant register or service book, relating to the individual concerned. This is the practice prevalent in all services, because every service has fixed the age of retirement and for calculating the date of retirement, it is necessary to maintain the date of birth in the service records"

16. Respondents have also relied on **"Union of India Vs. Mr. Vishwas Jaywantrao Bhosale Judgment delivered on 24.06.2016 in W.P. Nos. 5504/2016 and 5390/2016"**. In this case it is held :-

"16] Similarly, in case of Government of Andhra Pradesh and anr. Vs. M. Haygreev Sarma, the Hon'ble Apex Court has held that the date of birth recorded in the service book on the basis of School Leaving Certificate at the time of entry into service, cannot be ordinarily changed even on the basis of extracts of

entries contained in Birth and Death Register maintained under the Births, Deaths and Marriages Registration Act, 1886.

26] In the facts and circumstances of the present case, Rule 38 of the State Rules also does not assist the respondent No.1, in the matter of securing alteration in the date of birth in the service records. Rule 38 provides for the procedure for writing the events and recording the date of birth in the service book. Therein, it is further provided that when once an entry of age or date of birth has been made in the service book, no alteration of the entry should afterwards be allowed, unless it is shown that the entry was due to want of care on the part of some person "other than the individual" or is an obvious clerical error."

17. The legal position laid down in the rulings relied upon by the respondents, considered in the light of facts of the case, especially contents of application (A-4), laches on the part of the applicant and subsequent filing of application only on 24.03.2022 when his retirement was barely three months away leads me to conclude that this application is devoid of merits. It is accordingly **dismissed with no order as to costs.**

Member (J)

Date:-30/06/2022.
aps.

O.A.No.344/2022 (S.B.)

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

Dated :30/06/2022.

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

2. Today the matter was heard finally. It is pointed out that the applicant has prayed for grant of following interim relief:-

“That this Hon’ble Tribunal direct the respondent no. 3 not to deduct increment which is due and admissible for the applicant on 01.07.2022 during the pendency of the original application.”

3. Since the matter is closed for orders, interim relief as per prayer clause in para no. 9 of the O.A. is granted. Respondent no. 3 shall not deduct increment which is due and admissible for the applicant on 01.07.2022, till disposal of the O.A..

4. Ld. P.O. undertakes to communicate this order to the respondents department.

5. **Steno copy is granted.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.229/2016 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :30/06/2022.

Heard Shri A.K.Maheshgawali, applicant in person. Shri S.A.Sainis, ld. P.O. for the Respondents.

2. S.O. 11.07.2022.

Date:-30/06/2022.
aps.

Member (J)

O.A.No.133/2018 (S.B.)

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

Dated :30/06/2022.

Heard Ku. K.K.Pathak, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

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

Member (J)

Date:-30/06/2022.

aps.

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

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

Dated :30/06/2022.

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

2. At the request of ld. counsel for the applicant, **S.O. 15.07.2022.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.892/2019 (S.B.)

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

Dated :30/06/2022.

Heard Shri A.T.Purohit, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. **S.O. tomorrow i.e. 01.07.2022.**

Member (J)

Date:-30/06/2022.

aps.

O.A.Nos.707,737&901/2020 (S.B.)

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

Dated :30/06/2022.

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

2. At the request of ld. counsel for the applicant, **S.O. 13.07.2022.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.04/2021 (S.B.)

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

Dated :30/06/2022.

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

2. **S.O. tomorrow i.e. 01.07.2022.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.141/2021 (S.B.)

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

Dated :30/06/2022.

Heard Shri S.G.Karmarkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.158/2021 (S.B.)

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

Dated :30/06/2022.

Heard Shri R.D.Karode, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. **Closed for orders.**

Member (J)

Date:-30/06/2022.

aps.

O.A.No.183/2021 (S.B.)

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

Dated :30/06/2022.

Heard Shri A.Barahate holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.405/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :30/06/2022.

Heard Dr.A.Y.Humne, the applicant in person. Shri M.I.Khan, Id. P.O. for the Respondents.

2. S.O. 08.07.2022.

Date:-30/06/2022.
aps.

Member (J)

O.A.No.1010/2021 (S.B.)

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

Dated :30/06/2022.

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

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

Member (J)

Date:-30/06/2022.

aps.

O.A.No.260/2022 (S.B.)

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

Dated :30/06/2022.

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

2. At the request of ld. counsel for the applicant, **S.O. 05.07.2022.**

Member (J)

Date:-30/06/2022.

aps.

O.A. No. 579/2019 (D.B.)

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

Dated : 30/06/2022.

Heard Shri S.M. Bhagde, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

At the request of learned counsel for the applicant, **S.O. after three weeks.**

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 391/2022 with C.A. 169/2022 (D.B.)

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

Dated : 30/06/2022.

Heard Shri R.B. Dhore, Id. counsel for the applicants and Shri S.A .Deo, Id. CPo for the respondents.

2. The learned counsel for the applicants submits that there are four other connected / similar matters i.e. O.As. 405,406,407 & 411 of 2022, therefore, these matters may be kept along with this matter.

3. As per the submission of learned counsel for the applicants, put up the present matter along with O.As. 405,406,407 & 411 of 2022 on the next date.

S.O. 5/7/2022.

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

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. Nos. 611/2017 & 721/2018 (D.B.)

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

Dated : 30/06/2022.

Heard Shri S.U. Nemade, Id .counsel for
the applicants and Shri S.A. Deo, Id. CPO for
the respondents.

At the request of learned counsel for the
applicants, **S.O. three weeks.**

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 896/2018 (D.B.)

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

Dated : 30/06/2022.

Heard Shri P.A. Jibhkate, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and Shri R.S. Khobragade, Id. counsel for respondent no.5.

As per the submission of learned counsel for the applicant, other similar matters i.e. O.A. 555/2018 & Ors., are pending, therefore, this matter may be kept along with those matters.

As per submission of learned counsel, put up this matter along with other similar matters on the next date.

S.O. after three weeks.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 571/2019 (D.B.)

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

Dated : 30/06/2022.

None for the applicant. Shri M.I. Khan,
Id. P.O. for R-1. None for R-2.

Await service of R-3.

S.O. four weeks for filing service
affidavit.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 330/2020 (D.B.)

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

Dated : 30/06/2022.

Heard Shri g. Shinde, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the 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. 694/2020 (D.B.)

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

Dated : 30/06/2022.

Heard Shri Shiralkar, Id. counsel for the applicants and Shri A.M. Khadatkar, Id .P.O. for R-1&2 and Shri H. Marathe, Id. counsel for R-3.

It appears that the amendment is not carried out as per the order of this Tribunal dated 18/4/2022.

The Id. counsel for the applicant is directed to carry out necessary amendment within one week.

S.O. after one week.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

(D.B.)

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

Dated : 30/06/2022.

C.A. 312/2021 in O.A. 780/2021 -

Heard Shri D.M. Kakani, Id. counsel for the applicants, Shri A.M. Khadatkar, Id .P.O. for the respondents and Shri A. Thool, Id. counsel holding for Shri G.N. Khanzode, Id. counsel for the Intervener.

2. The specific order was passed on 12/4/2022 and the respondent nos. 1 to 8 were directed to act according to the G.R. dated 7/5/2021 of the Govt. GAD Department and then only proceed with the promotion orders. Till date nothing is pointed out about compliance of the order dated 12/4/2022.

3. The Id. P.O. requested one week time to get instructions about compliance of the order dated 12/4/2022. Time is granted.

4. In the meantime, other respondents to file reply before the next date.

5. The Id. counsel for the applicant submits that he has not received copy of C.A. for intervention. The Id. counsel for Intervener submits that he will supply the same before next date.

S.O. after one week.

Steno copy is granted.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 1138/2021 (D.B.)

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

Dated : 30/06/2022.

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

2. The Id. P.O. files reply o R-1 to 4. It is taken on record. Copy is served to the applicant.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

4. The applicant is at liberty to file rejoinder, if any.

S.O. in due course.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

(D.B.)

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

Dated : 30/06/2022.

C.A. 241/2022 in O.A. 915/2021 -

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

2. Looking to the ground in the civil application, the C.A. for amendment is allowed and disposed of.

3. The applicant is directed to carryout necessary amendment within two weeks and amended copy be supplied to the other side.

O.A. 915/2021 –

S.O. after two weeks.

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

**(Shree Bhagwan)
Vice- Chairman**

dnk.

(D.B.)

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

Dated : 30/06/2022.

C.A. Nos.365/2021, 366/2021 in O.A.

St.2166/2021 -

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

The Id. P.O. seeks time to file reply on C.A. for condonation of delay. Time is granted as a last chance.

S.O. 13/7/2022.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 29/2022 (D.B.)

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

Dated : 30/06/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 300/2022 (D.B.)

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

Dated : 30/06/2022.

Heard Shri Marathe, Id. counsel holding
for Shri M.R. Puranik, Id. counsel for the
applicants and Shri H.K. Pande, Id. P.O. for the
respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 506/2022 (D.B.)

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

Dated : 30/06/2022.

Heard Shri S.P. Palshikar, Id. counsel
for the applicant, Shri A.M. Ghogre, Id. P.O. for
R-1 and S. Katkar, Id .counsel for R-2.

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.

(D.B.)

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

Dated : 30/06/2022.

**C.A.No.150/2022inO.A.No.454/2022 With
C.A.No.151/2022inO.A.No.455/2022 With
C.A.No.152/2022inO.A.No.456/2022 With
C.A.No.153/2022inO.A.No.457/2022 With
C.A.No.154/2022inO.A.No.458/2022 With
C.A.No.155/2022inO.A.No.459/2022 With
C.A.No.156/2022inO.A.No.460/2022 With
C.A.No.157/2022inO.A.No.461/2022**

Heard Shri R. Joshi, Id. counsel for the
applicants and Shri S.A. Deo, Id. CPO for the
respondents.

At the request of Id. CPO, **S.O. 5/7/2022**
for filing reply.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 907/2020 (D.B.)

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

Dated : 30/06/2022.

Heard Smt. Mrunali Kadav, Id. counsel holding for Shri Alok Daga, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. P.O. files separate reply of R-2&3 R-5. Same are taken on record. Copies are given to the applicant. The Id. P.O. submits that the reply of R-2&3 and R-5 are sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 1140/2021 (D.B.)

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

Dated : 30/06/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 298/2022 (D.B.)

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

Dated : 30/06/2022.

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

2. The learned counsel for the applicant has filed copies of the Judgment of MAT, Aurangabad Bench in O.A. 78/2021 delivered on 10/3/2022 and Judgment of MAT, Principal Bench, Mumbai in O.A. 1118/2017 delivered on 4/4/2019 and submits that the present matter is covered by those Judgments. Same are taken on record and marked Exh-X and X1 for identification.

3. The Id. P.O. seeks time to file reply. The P.O. to file reply before the next date.

4. Put up the matter **on 25/7/2022 for hearing.**

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

O.A. No. 553/2021 (D.B.)

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

Dated : 30/06/2022.

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

The reply is already filed on record.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

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

**(Shree Bhagwan)
Vice- Chairman**

dnk.

C.A. 27/2022 in O.A. No. 853/2021 (D.B.)

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

Dated : 30/06/2022.

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

2. The learned P.O. has filed letters dated 24/06/2022 and 17/6/2022. Same are taken on record marked Exh-X and X1. As per the said letters, the applicant is reinstated in service.

3. The applicant is at liberty to file separate O.A. for claiming other reliefs in respect of monetary benefits.

4. In view thereof, the contempt petition is disposed off. No order as to costs.

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

**(Shree Bhagwan)
Vice- Chairman**

dnk.

C.P. 45/2022 in O.A. No. 148/2020 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,

**Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 30/06/2022.

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

2. The learned counsel for the applicant submitted that as per the order of this Tribunal dated 10/3/2022 in O.A. 148/2020, the respondent no.2 was directed to appoint the applicant on the post within one month, but this Judgment / order is not complied.

3. The Id. P.O. is directed to get instructions about compliance of the order dated 10/3/2022.

4 Issue Notice to the respondents returnable in **three 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.

5. The learned P.O. waives notice for State. Hamdast granted.

S.O. **three weeks.**

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

**(Shree Bhagwan)
Vice- Chairman**

dnk.

C.P. 34/2020 in O.A. No. 877/2019 (D.B.)

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

Dated : 30/06/2022.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice-Chairman

dnk.

C.P. 33/2022 in O.A. No. 89/2019 (D.B.)

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

Dated : 30/06/2022.

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

The office objection is not removed.

S.O. two weeks for removing office objection.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. No. 248/2021 (D.B.)

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

Dated : 30/06/2022.

Heard Shri M.R. Patil, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned CPO has filed regular promotion order of Dr. Sudhir Gupta dated 7/9/2021. The copy of order is placed on record and marked Exh-X for identification.

Closed for orders.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

**