

O.A. 243/2020 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

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

2. The learned P.O. files reply of R-3. It is taken on record. Copy is served to the learned counsel for the applicant.

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

**S.O. After Vacation.**

**Vice-Chairman**

dnk.

O.A. 489/2020 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 956/2020 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri S.M. Bhagde, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**15/11/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 213/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri A.M. Gedam, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**17/11/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 503/2021 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri R. Deshpande, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri R.N. Sent, Id. counsel for R-5.

2. The learned P.O. files reply of R-2. It is taken on record. Copy is served to the learned counsel for the applicant.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondent nos.1 to 4.

**S.O. After Vacation.**

**Vice-Chairman**

dnk.

O.A. 564/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri D.S. Sawarkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

**Vice-Chairman**

dnk.

O.A. 570/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri A.S. Khedkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 647/2021 (S.B.)**

( Nitin B. Chandurkar Vs. State of Mah. )

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned counsel has pointed out the letter dated 25/03/2019 (A-4,P-14) and also Page no.15 by Director of Technical Education, M.S., Mumbai wherein it appears that the Director of Technical Education, M.S., Mumbai has issued order to the concerned officers to grant selection grade to the applicant as per Annexure-A (page no.15) from 7/8/2008. However, the learned counsel submits that till now the proposal has not been submitted and the applicant is not getting the benefit.

3. The learned P.O. submits that he will personally contact with respondent nos.4&5 and take necessary instructions and submit it before the next date.

**S.O. After Diwali Vacation.**

Steno copy is granted...

**Vice-Chairman**

dnk.

O.A. 656/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri N.R. Saboo, 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. four weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 658/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 789/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri S.C. Deshmukh, 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. After Vacation** for filing reply.

**Vice-Chairman**

dnk.

O.A. 815/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Shri R.M. Nikure, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After  
Vacation** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 830/2021 (S.B.)**

( Smt. Neeta M. Mankar Vs. State of Mah.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

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

2. As submitted by the learned counsel, the applicant was placed under suspension vide order dated 18/3/2021 (A-1,P-9). He further submits that the applicant has been served the charge sheet on 21/06/2021 (A-5,P-16 to 46) i.e. just after 90 days. The applicant has submitted representation dated 27/7/2021 (A-3,P-13) and other representations also.

3. The learned P.O. desires to file reply. However, the respondents are directed to consider the representations of the applicant before filing reply and also should take into account the points raised by the applicant in the representations.

**S.O. After Diwali Vacation.**

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 892/2021 (S.B.)**

(Dr. Mrs. N.A. Dilawar Vs. State of Mah. & ors.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

**C.A. No. 335/2021 -**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri Sunil Pande, Id .counsel holding for Shri N.D. Thombre, Id .counsel appearing on behalf of R-4.

2. The matter was heard on 4/10/2021 and detail order was passed and in para-4 the order dated 29/9/2021 (A-6,P-35&36) was stayed to the extent of applicant and the respondents were directed to consider the applicant's posting at Daga Hospital, Nagpur where one post is still vacant. Since the applicant went for joining, the applicant should have been continued immediately from 5/10/2021 on the vacant post. However today the learned counsel pointed out that the respondent no.3 has not followed the order dated 4/10/2021.

3. In view of this, the respondent nos.1&2 are directed to issue suitable instructions to the respondent no.3 to act according to the Tribunal's order dated 4/10/2021 and allow the

applicant to join and work on the other vacant post at Daga Hospital, Nagpur.

4. In view of above, the C.A. stands disposed off. No order as to costs.

**O.A. 892/2021** –

**S.O. After Vacation.**

Steno copy is granted...

**Vice-Chairman**

dnk.

O.A. St. 77/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

**C.A. No. 10/2021 -**

Heard Shri S. M. Bhagde, Id. counsel for the applicant and Shri M.I. Khan, Id. PO for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply on C.A.

**Vice-Chairman**

dnk.

O.A. 472/2021 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

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

With the consent of Id .counsel for both the parties, **S.O. 27/10/2021.**

**Vice-Chairman**

dnk.

**O.A. 917/2021 (S.B.)**

**( N.N. Kumre Vs. State of Mah. & Ors. )**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri P.P. Thakre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel has attached service book copy of the applicant (A-1,P-22 to 134) and as per page no.115, it appears that after completion of age at 58 years, the applicant stood retired on 30/06/2018. As per order dated 24/8/2018 (A-3,P-143) the applicant's name appears at Sr.No.13 and he was granted first ACP in PB-1 Pay Scale Rs.5200-20200+GP Rs.3500 and effect was given from 6/12/2006. Again vide order dated 24/3/2021 (A-5,P-160) the applicant's name appears at Sr.No.19 and as per 7<sup>th</sup> Pay Commission he has been granted benefit of pay scale of Rs.38,600-1,22,800 (S-14) (equivalent to PB-2 of 6<sup>th</sup> Pay Commission Rs.9300-34800 with GP Rs.4300). However, all these benefits were not paid to the applicant. Now as per the impugned order dated 31/8/2021 (A-6,P-163 to 173) which has been communicated to the applicant wherein it is mentioned that the applicant while retired as Awwal Karkun from Collector Office, Gadchiroli, he was paid excess payment from 6/12/2006 to 31/12/2015 to the tune of Rs. 3,81,273/- and again from 1/1/2016 to 30/6/2018 he was paid excess amount of Rs.55,884/- , so total excess amount was paid to the applicant is calculated as Rs. 4,37,157/-. This excess payment is paid to the applicant as per 7<sup>th</sup> Pay Commission. After 7<sup>th</sup> Pay Commission, his revised pension is fixed. From this revised pension, excess amount paid earlier i.e. amount of Rs. 4,37,157/- is adjusted. The applicant feels that this is recovery from his pensionary benefits and aggrieved with this order, the applicant has approached to this Tribunal.

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

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

**Vice-Chairman**

dnk.

O.A. 927/2017 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri P.P. Kotwal, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

With the consent of Id .counsel for both the parties, **S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 31/2018 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

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

With the consent of Id .counsel for both the parties, **S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

O.A. 715/2018 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri P.V. Thakre, Id .counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

With the consent of Id .counsel for both the parties, **S.O. 29/10/2021.**

**Vice-Chairman**

dnk.

O.A. 49/2020 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri D.M. Surjuse, Id .counsel  
for the applicant and Shri A.P. Potnis, Id. P.O.  
for the respondents.

With the consent of Id .counsel for both  
the parties, **S.O. 29/10/2021.**

**Vice-Chairman**

dnk.

O.A. 691/2020 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

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

With the consent of Id .counsel for both  
the parties, **S.O. 29/10/2021.**

**Vice-Chairman**

dnk.

**O.A. 98/2018 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri R.M. Fating, Id .counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for R-1 and none for R-2&3.

2. Today the learned counsel has filed Pursis dated 22/10/2021 and along with that he has filed Death Certificate of applicant no.7 dated 31/5/2021. The applicant no.7 expired on 17/5/2021 as per Death Certificate. It is taken on record and marked Exh-X for identification and copy is supplied to the Id. P.O.

2. In view of this, the proceeding related to applicant no.7 is abated.

3. The Id. counsel has filed additional-cum-rejoinder to the affidavit-in-reply filed by respondent nos.1 to 4. It is taken on record and copy is supplied to the Id. P.O.

**S.O. 29/11/2021 (PH).**

**Vice-Chairman**

dnk.

O.A. 613/2018 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

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

With the consent of Id .counsel for both the parties, **S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

O.A. 608/2020 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 22/10/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri M.I. Dhattrak, Id. counsel for R-3.

With the consent of Id .counsel for both the parties, **S.O. 17/11/2021 (PH).**

**Vice-Chairman**

\*\*dnk.

O.A.No.396/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

**C.A.No.514/2019:-**

Heard Shri B.Kukarni holding for Shri N.D.Thombre, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O. and agreed by Id. counsel for the applicant, **S.O. 29.10.2021 to take certain instructions from the department.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

**O.A.No.537/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

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

2. The Id. 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 O.A..

3. The Id. counsel for the applicant further submits that it is urgent matter because respondent nos. 4 to 8 have been denied promotion from kotwal to Class-IV posts.

**4. S.O. after Diwali Vacation.**

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

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

O.A.No.856/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

None for the applicant. Shri H.K.Pande, the  
Id. P.O. for the respondent nos. 1 to 3. None for the  
respondent nos. 4 to 8.

2. At the request of Id. P.O., **S.O. four weeks to  
file reply.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

**O.A.No.935/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/2021.**

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

2. The Id. counsel for the applicant has filed details of all the 08 applicants which is marked Exh. X-3; where it is mentioned that applicant no. 8 Shri Gajendra Murtadkar was appointed on 14.01.2010 which is also clear as per reply Pg. No. 84 of the respondents. Regarding eligibility of the applicant for passing qualifying examination within four years; reports of Superintending Engineer Chandrapur and Superintending Engineer Akola is contradictory to reply filed by respondents. Perusal of these documents and reply of respondents it shows that department is trying to blow hot and cold together at the same time.

3. There are total 08 applicants out of which 1 to 5 and 8 are from Chandrapur Circle and 6, 7 & 8 are from Akola Circle. Regarding their eligibility of passing both the examinations i.e. Departmental Examination and Qualifying Examination; reports have been submitted one by Superintendent Engineer, Akola Circle, Akola by the letter dated 05.01.2021 which is marked Exh. "X" for the purpose of identification. It has been submitted to P.W.D. Department and in annexure at Sr. No. 5 applicant no. 6 name appears and at Sr. No. 3 applicant no. 7 name appears, Sr. No. 1 applicant no. 8 name appears. In the reports against both the applicants i.e. 6 & 7. It is mentioned that they have passed examination as per requirements.

4. Superintending Engineer, P.W.D. Department, Chandrapur has submitted report to Government by letter dated 04.01.2021 which is marked Exh. X-1 and he has also annexed chart in which applicant nos. 1 to 5 are eligible and in the remark column it is written that they have not lost their seniority as per their initial appointment. Considering these two documents of two Superintending Engineers; one from Chandrapur and another is from Akola;

Government has issued G.R. dated 16.09.2021 (mark exh. X-2); where various Judgments pending before Mumbai Principal Bench and Aurangabad Bench and applicants have been given relief from date of appointment subject to the outcome of these O.As. based on Government decision in the G.R. dated 16.09.2021 and report of Superintending Engineers Chandrapur and Akola; the applicant in these cases from Sr. Nos. 1 to 7 should be also considered giving seniority from date of their appointments. Applicant at Sr. No. 8 cannot be considered because applicant at Sr. No. 8 is appointed in the year 2010. As per reply filed by Id. P.O. at Pg. No. 84; applicant at Sr. No. 8 is shown to be appointed on 14.01.2010.

5. In view of this situation, as a matter of parity which was given to other applicants vide G.R. dated 16.09.2021; applicants in this O.A. from Sr. Nos. 1 to 7 should be given seniority from the date of their initial appointment. **Respondents are directed to consider their names for further promotion if they fulfil other rules and conditions of the promotion condition. However, their seniority and promotion should be subject to outcome of this O.A. as granted to the other applicants in the G.R. dated 16.09.2021.**

6. **Put up this matter as and when D.B. will be available.**

7. **Steno copy is granted.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

O.A.No.600/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

Heard Shri R.M.Bhangde, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. four weeks to file reply as they have received the parawise reply.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

O.A.No.637/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

**O.A.No.730/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

**C.A.No.278/2021:-**

Heard Smt. S.V.Kolhe, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 29.10.2021 to file reply.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

O.A.No.765/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

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

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

O.A.St.No.1965/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

**C.A.No.324/2021:-**

Heard Shri N.S.Khubalkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed C.A. for condonation of delay. However he further submits that the delay is of 2 years and 2 months. However, the decision taken by Hon'ble Apex Court which is reproduced below:-

**Hon'ble Supreme Court in M.A. 665/2021 in Suo Moto W.P. (Civil) No. 03/2020 by order dated 27/4/2021**, extended the period of limitation upto 19/7/2021.

Therefore, after the order passed by Hon'ble Apex Court, the delay will remain only 7 months and 2 weeks.

3. The Id. counsel for the applicant further prayed to correct the name of respondent no. 1 in O.A. along with C.A. by adding medical word. He is permitted to do so.

4. Notice on C.A. to Respondents be issued returnable in **four weeks**.

5. Shri A.M.Ghogre, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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

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

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

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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

11. **S.O. four weeks.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

**O.A.Nos.609,613&614/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 1 (O.A. No. 609/2021) and respondent no. 2 (O.A. Nos. 613 & 614/2021). It is taken on record. Copy is served to the other side.

3. It is further submitted that since as per the order of M.A.T. result was kept in sealed envelop. As per order dated 15.09.2021; M.P.S.C. was permitted to declare the result along with the applicant. Today, the Id. P.O. submits that M.P.S.C. desires two more weeks time to declare the result.

4. **S.O. 3<sup>rd</sup> week of November, 2021.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

**O.A.No.38/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/2021.**

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. Today the Id. P.O. has filed reply on behalf of the respondent nos. 1, 3 & 4. It is taken on record. Copy is served to the other side.

3. During last hearing on 01.10.2021; the Id. P.O. was instructed to take instructions about compliance of the Tribunal order dated 20.08.2021. Today, the Id. P.O. submits that he is yet to receive the instructions regarding the same.

4. As per the reply filed by respondents it appears that they are going to reject the representation.

5. The Id. counsel for the applicant may file rejoinder before next date of hearing, if any.

**6. S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

**O.A.No.885/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

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

2. During last hearing; the Id. counsel for the applicant was directed to place on record the appeal/ representation. Today, the Id. counsel for the applicant submits that certain promotion orders have been issued by State in October, 2021 i.e. by Respondent no. 1 and applicant has preferred an appeal before the State Government. The copy of appeal has been filed on record and supplied the same to the Id. P.O..

3. In view of this change situation, Respondent no. 1 is directed to decide the appeal filed by the applicant dated 22.10.2021 **within 120 days from the date of receipt of this order.**

4. The points raised by the applicant in appeal should be considered and in the interest of justice if it is required; respondent no. 1 may call the applicant for personal hearing also.

5. With these directions, **O.A. stands disposed of with no order as to costs.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

**O.A.No.940/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**

**Dated : 22/10/2021.**

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

2. As per appointment letter of applicant dated 09.01.2007 (A-1, Pg. No. 15); it is clear that applicant was appointed in open category; in the appointment letter in first line itself it is mentioned that applicant was appointed against horizontal reservation of physically challenged persons. Again applicant was promoted from Clerk to Accountant vide letter dated 23.12.2015 (A-2, Pg. No. 17) and in last column it is mentioned that he has been promoted in open category of horizontal and physically challenged quota. By both these orders, it is crystal clear that applicant was treated as open candidate and physically challenged quota from horizontal reservation quota.

3. The other employee Shri Rajkumar B. Londe was appointed vide letter dated 03.02.2004 (A-4, Pg. No. 19) and it appears from the appointment letter that he was appointed in O.B.C. category as Clerk. Shri R.B.Londe was promoted as Accountant on 03.11.2012 (A-5, Pg. No. 21) while promoting him as Accountant; it is written physically challenged against his name at Sr. No. 8. The Id. counsel for the applicant submits that when Shri R.B.Londe was appointed only against O.B.C. category how while promoting as Accountant his category was considered as physically challenged under horizontal reservation.

4. The Id. counsel for the applicant further points out that in D.P.C. meeting for Accountant to Chief Accountant dated 10.01.2020 (A-8, Pg. No. 57) on Pg. No. 60 in first part last line, it is mentioned that :-

"Jh jkt dckj ckcjko yk-s] ys[ kki ky oMI k oufoHkx ; kkk vi ax v{kj {k.k vrxZ i nkdlurh  
nslk kBi fuoMI phr l ekfo"B dj.; kpsl fertusBjfoys"

5. In the said meeting after the list of 08 candidates; the same is reproduced below:-

"Jh vjfon l koth ?kml j yfkkiky funzku foHkx pmi j ; kuh fnukol 15-11-2019 jkst hps vt kko; s'kkl u l or fuom glroGd i Eke fu; qrh viax vki {k.k l jGI ok Hkjr rh vrxr >kyyh vl y rlp depjrh i qhy viax i oxkzhy i nkburhl kbh viax vki {k.k kpk ykHk ?s; kl ik= vkgsvl suem d: u i nkburhph ekx.kh dsh- R; keGs viax dky; krp ed; yfkkiky i nkoj i nkburh ns; kclcr ek- vij izkku ed; oul j {kd %i zkl u nq ; e l oxz uxij ; kpsl mu ekxh'ku i klr d: u R; kuq kj dk; bkgd j.; kpsl eh rhus Bjfoys

6. In this situation, the Id. counsel for the applicant is directed to make Shri Londe as well as Additional Principal Chief Conservator of Forest (Administration and Sub Ordinate Cadre) as respondents. Since both are not before Tribunal and both are required to be respondents for final Judgment in this O.A.. After incorporating respondents, the Id. counsel for the applicant is directed to supply the copy to the Id. P.O..

7. Till the issue is resolved about physically challenged candidates who is to be considered and who should get promotion as Head Clerk in promotion from Accountant to Chief Accountant in this category. **Respondents are directed not to promote any candidate from Accountant to Chief Accountant in the category of physically challenged quota till it is decided that who is genuine candidate to get that promotion.**

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

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

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

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

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

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

14. **S.O. four weeks.**

15. **Steno copy is granted.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

**C.P.No.18/2019inO.A.No.123/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**

**Dated : 22/10/2021.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents. Shri D.V.Karwar, the Chief Administrative Officer, Civil Surgeon Office, Amravati personally present.

2. The applicant retired on 31.08.2005; however some D.E. was going on and applicant approached to this Tribunal vide O.A. No. 123/2017. The O.A. was decided on 17.11.2017 as per A-1, Pg. No. 11. The operative part is on Pg. No. 23 which is below:-

*“(i) The application is allowed in terms of prayer clause 8 (i) and 8 (ii) and amended prayer clause no. 8 (i) (a).  
(ii) The respondents are directed to refund the amount of gratuity to the applicant within three months from the date of this order, failing which the applicant will be entitled to claim interest as per Maharashtra Civil Services (Pension) Rules, 1982 by filing representation to that effect. No order as to costs.”*

3. The Id. P.O. has filed documents by which it appears that G.I.S., Leave Encashment, G.P.F. and Pension Amount have been paid and for the interest on pension is Rs. 5,31,204/- for that they have moved to Government through Deputy Director Akola Circle, Akola and for that they have asked for four months time to comply the same. Again interest of pension amount from 01.09.2005 to 17.11.2017 main amount was Rs. 2,50,000/- interest amount Rs. 4,08,788/- therefore, difference amount is Rs. 30,586/-. However, total amount of applicant is calculated Rs. 3,78,202/- as per Government order dated 30.08.2021 which is attached with letter dated 21.10.2021. For this amount of Rs. 3,78,202/- they have to go to A.G., Nagpur and after sanction of A.G., Nagpur, it will be paid.

4. However, as submitted by Id. counsel for the applicant; it will be submitted that respondents should file on affidavit regarding all the retiral

benefits i.e. G.I.S., Leave Encashment, G.P.F., Pension etc. How it has been paid till now and what is the compliance amount to be paid and till what time it will be filed on record in the form of affidavit by respondents?

5. The Id. P.O. is directed to give all the documents zerox copy to the Administrative Officer, Amravati because he is not able to understand the facts fully. He should go through the letters and file on record in the form of affidavit.

6. The Id. counsel for the applicant has already filed pursis dated 07.12.2020 and along with that he has attached chart at Pg. No. 2 of the representation; he has contended that which amount has been paid and which are yet to be paid. While filing the affidavit; respondents should take into account pursis filed by the Id. counsel for the applicant also.

**7. S.O. after Diwali Vacation i.e. 17.11.2021.**

**8. Steno copy is granted.**

**Vice Chairman**

**Date:-22/10/2021.**

aps.

**O.A.No.749/2013 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/ 2021.**

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

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

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

O.A.No.785/2014 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/2021.**

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4 and Shri B.C.Pal, the Id. counsel for the respondent nos. 5 to 7, 10, 11, 15, 16, 18, 22, 34 to 36, 39, 41, 43, 45 & 46. None for other respondents.

2. At the request of both the sides, **S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-22/10/2021.**  
aps.

**O.A.Nos.223&224/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 22/10/2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The matter was heard and order was passed on 06.09.2021. The Id. counsel for the applicant submits that department is intending to approach Hon'ble High Court for review the order of the Tribunal.

3. **S.O. 27.11.2021.**

4. *The Id. P.O. is directed to take instructions and submit at next hearing that what progress has been done at the level of Hon'ble High Court.*

**Vice Chairman**

**Date:-22/10/2021.**

aps.