

O.A. No.985/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri R.D. Hajare, Id .counsel holding for Shri A.A. Dhawas, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2 and none for R-3.

At the request of Id. counsel for the applicant, **S.O. 6/1/2022.**

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

CA 252/2021 & MCA 23/2021 in O.A. 646/2015 -

Heard Shri S.S. Torey, Id. counsel holding for Shri R.D. Karode, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri Khedkar, Id. counsel holding for S.W. Deshpande, Id. counsel for R-5.

2. For the reasons stated in the application, the C.A. for condonation of delay is allowed and M.C.A. for restoration is also allowed and O.A. be restored to file.

O.A. No.646/2015-

Heard Shri S.S. Torey, Id. counsel holding for Shri R.D. Karode, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri Khedkar, Id. counsel holding for S.W. Deshpande, Id. counsel for R-5.

2. The applicant has filed on record Pursis dated 4/1/2021 mentioning that the applicant is getting family pension and now there is no cause to prosecute the matter further, therefore, she wants to withdraw the O.A.

3. In view of Pursis dated 4/1/2021, the O.A. is disposed off as withdrawn. No order as to costs.

Member (J).

dnk

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

C.A. No. 153/2019 in O.A. St. 751/2019 -

Heard Shri B.N. Jaipurkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks** for removing office objections.

Member (J).

dnk.

O.A. No.374/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply of R-3&4. It is taken on record. Id. P.O. submits that reply of R-3&4 is sufficient for other respondents.

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

S.O. in due course.

Member (J).

dnk.

O.A. No.181/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 5.

S.O. four weeks for filing service affidavit.

Member (J).

dnk.

O.A. No.293/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicants are ouetj in the Chandrapur District in the Forest Department. The Id. counsel has relied on order of this MAT in O.A. 964/2017, decided on 30/7/2020. The learned counsel is directed that he should ask the applicants to make representation to the Department and the Department should take decision as per the provisions contained in the G.R. dated 16/10/2012 and take decision on the representation within three months from the date of receipt of this order by giving personal hearing to the applicants and showing their relevant documents. While taking decision, the respondents are directed to take into consideration as per order dated 30/7/2020 in O.A. 964/2017. If the applicants are similarly placed, the decision should be taken in the background of the said order.

3. The learned counsel has also relied on the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition

No.933/2012. The respondents are also directed to take into consideration on the decision of the said Judgment if the said decision is applicable to the applicant as per rules and regulations.

4. With this direction, the O.A. stands disposed off. No order as to costs.

Member (J).

dnk.

O.A. No.516/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Smt. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The applicant to remove office objections.

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

Member (J).

dnk.

O.A. No.557/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

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

The Id. P.O. files reply of R-3. It is taken on record. Copy is given to the other side. The Id. P.O. submits that reply of R-3 is sufficient for other respondents.

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

S.O. in due course.

Member (J).

dnk.

O.A. No.558/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

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

The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the other side. The Id. P.O. submits that reply of R-3 is sufficient for other respondents.

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

S.O. in due course.

Member (J).

dnk.

O.A. No.677/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri M.R. Patil, 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. two weeks** for filing reply.

Member (J).

dnk.

O.A. No.686/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri Vilas Dange, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2.

The Id. counsel submits that the respondents are served.

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

Till then interim relief to continue.

Member (J).

dnk.

O.A. No.689/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri Vilas Dange, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.P. for R-1&2 and none for R-3.

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

Interim relief to continue till next date.

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

C.A. No. 321/2021 in O.A. 801/2021 -

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. 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. 12/1/2022 along with other connected matter.

Member (J).

dnk.

O.A. 802/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

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

2. 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. 12/1/2022 along with other connected matter.

Member (J).

dnk.

O.A. No.726/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri N.D. Thombre, 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.

Member (J).

dnk.

O.A. No.446/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

None for the applicant. Heard Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for other respondents.

2. On 31/10/2018 & 16/12/2021 none were present for the applicant. Today also none appeared for the applicant.

S.O. 11/1/2022 for dismissal.

Member (J).

dnk.

O.A. No.437/2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

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

2. The specific directions are given by this Tribunal on 3/2/2020 to the P.O.

3. The Id. P.O. is directed to get instruction and submit it before the next date.

S.O. 17/1/2022 (PH)

Member (J).

dnk.

O.A. No.742/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

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

2. As per the submission of Id. counsel for the applicant, reply of R-1 is necessary. Whereas the Id. P.O. submits that reply of R-1 is not necessary as the order of R-1 is not challenged in the O.A.

S.O. 17/1/2022

Member (J).

dnk.

O.A. No.992/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

Heard Shri Bhuibhar, Id .counsel holding for Shri A.M. Tirukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O .for the respondents.

The applicant to remove office objections.

At the request of Id. counsel, **S.O.**
18/1/2022.

Member (J).

dnk.

O.A. No.410/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 23/12/2021.

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

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Member (J).

*dnk.

O.A.Nos.141&718/2015&377/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

C.A.86,87,88,89,90,106to111,112to117/2021 & 127/2019:-

Heard Ms. A.Gupta holding for Shri P.B.Patil (O.A.No.141/2015) and Shri A.Giri holding for Shri S.K.Tambe (O.A.No.718/2015) the Id. counsel for the applicants. None for the applicant in O.A. No. 377/2016. Shri A.M.Ghogre, the Id. P.O. for the respondents. (None for the R-4 to 6. None for R-6. Shri A.P.Sadavarte, Id. counsel for the R-7 to 10, Shri A.M.Balpande, Id. counsel for the Intervenor in O.A. No. 141/2015) & (Shri A.P.Sadavarte, Id. counsel for the R-8 to 11. None for R-5 to 7. Shri A.M.Balpande, Id. counsel for the Intervenor in O.A. No. 718/2015).

2. As submission made by the Id. counsel for the R- 7 to 10 that copy of Intervention is not supplied to him. The Id. counsel for the applicant is directed to supply the same to him.

3. At the request of Id. counsel for the applicant in O.A. Nos. 141 & 718/2015, **S.O. after vacation.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.260/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/ 2021.

Heard Shri D.U.Thakre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent nos. 4 & 5.

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

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.211/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/2021.

C.A.No.401/2021:-

Heard Shri D.I.Shukla, the applicant in person. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. **C.A.No.401/2021 for early hearing is allowed and disposed of.**

3. At the request of Id. P.O., **S.O. 18.01.2022.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.632/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/ 2021.

C.A.No.353/2021:-

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

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

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.Nos.375/2020(D.B.)&931/2021(S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

None for the applicant. Shri M.I.Khan, the Id. P.O. for the respondents. Await service of R-2 to 6 (O.A. NO. 375/2020).

2. The Id. P.O. has filed reply on behalf of the respondent nos. 3 & 4 in both the O.As.. It is taken on record. Copy is served to the other side .

3. Hence, O.As. are **admitted** and kept for final hearing.

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

5. **S.O. 03.02.2022.**

6. **Though the O.A. No. 931/2021 is of S.B. matter but due to same ground it is heard in D.B.. So, the Id. counsel for the applicant is directed to file two sets in future for any relief in the said O.A. also.**

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

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.755/2015 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/2021.

Heard Shri V.Bhise, the Id. counsel for the applicant and Shri , the Id. P.O. for the respondents. None for the R-3 to 18. Await service of R-12, 13 & 18.

2. As per the order dated 02.12.2021, the Id. P.O. was directed to supply the addresses of R-12, 13 & 18. Today, the Id. P.O. desires three more weeks time to comply the order, **S.O. after vacation.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.46/2021

(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

Heard Shri P.V.Washimkar, the applicant in person. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The applicant has filed pursis dated 02.12.2021 and submitted that in O.A. No. 46/2021 he will appear personally. He is permitted to appear personally.

3. Applicant has submitted written notes of argument mentioning the point to be considered. It is taken on record. Copy is served to the side. The same will be considered at the time of final hearing.

4. **S.O. 19.01.2022.**

5. **I.R. granted in para no. 2 of order dated 27.09.2021 will be continued till next date of hearing.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.1117/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

Heard Shri M.L.Vairagade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. Connected matter was heard on 16.12.2021 and because there was lacuna in documentation. The Id. counsel for the applicant was directed to remove the objections. Today he has removed all the objections.

3. **Hence, Respondents are directed that if any appointment is made in category of female constable (Driver) S.C. Category that will be subject to decision of this O.A..**

4. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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. four weeks.**

11. *Put up this matter along with O.A. No. 1116/2021.*

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

C.P.No.33/2020in O.A.No.845/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/ 2021.

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

2. The Id. P.O. submits that he has received parawise reply and he will file reply shortly. He is directed to file reply in first week of January, 2022. Matter will heard on **18.01.2022**.

3. **The Id. P.O. is directed to supply the copy of the same to the other side in advance.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.Nos.1093,1094,1096,1097,1098&1102/2021(D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

O.A. No.1093/2021:-

1. As per the appointment letter of the applicant dated 19.01.2011 (A-1, Pg. Nos. 18 to 21) there is clause "x" which is reproduced below:-

"x- R; huk [kktxh 0; ol k; dj.; kl ifrcdk jkghy- R; k, oth R; k R; k oGh vflRokR vl yY; k o 'kkl ukusoGkoGh I qkij.kk dyy; k fu; eki ek.kso; ol k; jsk HRrk vuks jkghy-"

O.A. No.1094/2021:-

1. As per the appointment letter of the applicant dated 23.01.2009 (A-1, Pg. Nos. 18 to 19) there is clause "x" which is reproduced below:-

"x- R; huk [kktxh 0; ol k; dj.; kl ifrcdk jkghy- R; k, oth R; k R; k oGh vflRokR vl yY; k o 'kkl ukusoGkoGh I qkij.kk dyy; k fu; eki ek.kso; ol k; jsk HRrk vuks jkghy-"

O.A. No.1096/2021:-

1. As per the appointment letter of the applicant dated 05.10.2007 (A-1, Pg. Nos. 17 to 18) there is clause "t" which is reproduced below:-

"t - R; huk [kktxh 0; ol k; dj.; kl ifrcdk jkghy- R; k, oth R; k R; k oGh vflRokR vl yY; k o 'kkl ukusoGkoGh I qkij.kk dyy; k fu; eki ek.kso; ol k; jsk HRrk vuks jkghy-"

O.A. No.1097/2021:-

1. As per the appointment letter of the applicant dated 14.10.2007 (A-1, Pg. Nos. 18 to 23) there is clause "t" which is reproduced below:-

"t- R; k; k [kkt xh 0; ol k; dj.; kl i frca/k jkghy- R; k, oth R; k R; k oGh vflRokr vl yY; k o 'kkl ukusoGkoGh I qkij.kk dyyY; k fu; eki ek.kso; ol k; jsk HRRrk vuks jkghy-"

O.A. No.1098/2021:-

1. As per the appointment letter of the applicant dated 31.01.2005 (A-1, Pg. Nos. 17 to 18) there is clause "2" which is reproduced below:-

"2- R; k; k [kkt xh 0; ol k; dj.; kl i frca/k jkghy- R; k, oth R; k R; k oGh vflRokr vl yY; k o 'kkl ukusoGkoGh I qkij.kk dyyY; k fu; eki ek.kso; ol k; jsk HRRrk vuks jkghy-"

O.A. No.1102/2021:-

1. As per the appointment letter of the applicant dated 26.09.2012 (A-1, Pg. Nos. 15 to 19) there is clause "t" which is reproduced below:-

"t- R; k; k [kkt xh 0; ol k; dj.; kl i frca/k jkghy- R; k, oth R; k R; k oGh vflRokr vl yY; k o 'kkl ukusoGkoGh I qkij.kk dyyY; k fu; eki ek.kso; ol k; jsk HRRrk vuks jkghy-"

Common Order:-

2. It appears that department has issued show cause notice dated 07.10.2021 on the ground that applicant has violated G.R. dated 07.08.2012 for non practicing allowance as per chargesheet i.e. the only charges which is against the applicant that he has violated provisions of G.R. dated 07.08.2012. The Id. counsel for the applicant submits that the said G.R. is sub-judice before Hon'ble High Court and Hon'ble High Court has stayed to this G.R.. However, the conflicting point is that in the applicant's appointment letter the Clause 'x' (O.A. No. 1093, 1094/2021), Clause 't' (O.A. No. 1096, 1097 & 1102/2021), Clause '2' (O.A. No. 1098/2021) are mentioned which were admitted and signed by the applicants before joining the service. Considering both these points it is better to take reply of the respondents. **However, respondents are directed not to go ahead with the letter dated 07.10.2021, since the said G.R. dated 07.08.2012 is at present sub-judice before the Hon'ble High Court.**

3. Issue notice to Respondents, returnable on after vacation. 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. after vacation.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.1144/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

Heard Shri S.P.Bodalkar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. It appears that applicant was working in Mumbai in Home Department and on request applicant was transferred to Police Commissionerate Nagpur. When next promotion of the applicant was decided the applicant seniority was considered from the date of joining in Nagpur Police Commissionerate. The Id. counsel for the applicant submits that since applicant was in the Home Department, applicant's seniority should be counted from the initial date of appointment in the department.

3. The Id. counsel for the applicant has filed letter of D.G. Police Office dated 20.12.2021. It is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side.

4. However, in the interest of justice to the applicant it is directed to the respondents that if respondents are promoting anybody to the post of Stenographer (H.G.) they should make it clear to the appointed candidate that appointment will be subject to outcome of this O.A..

5. Issue notice to Respondents, returnable on after vacation. Learned P.O. waives notice for R-1. Hamdast allowed.
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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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 affidavit of compliance in the Registry within one week. 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. after vacation.**
12. **Steno copy is granted.**

Member (J)

Vice Chairman

Date:-23/12/2021.

aps.

O.A. No. 556/1995 with C.A. 43/16, 52/16, 53/16, 428/16, 101/17, 246/17 247/17 with (M.C.A. 40/17 in C.A. 74/18, C.A. 379/18 & C.A.345/2021) (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/2021.

C.A.No.345/2021:-

Heard Shri K.Deogade, the Id. Counsel for the applicants and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The Id. counsel for the applicant submits that he will not press for other C.As. for that he is directed to file pursis in this regard. Now, the Id. counsel for the applicant is directed to amend the original relief to claim in the O.A. which is claiming in the C.A..

3. **S.O. 12.01.2022.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.950/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

Heard Shri R.D.Karode, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Ms. M.P.Munshi, the Id. counsel for the R-4. None for the respondent no. 3.

2. The Id. counsel for the applicant has submitted that applicant has submitted representation to the Secretary Rural Development and Water Conservation Department on 20.12.2021 for considering his case as per Government Resolution dated 15.12.2017 which relates to the employees undergoing D.E./ court cases and which are to be prolonged due to certain reasons.

3. In view of this situation, Respondent no. 1 is directed to consider the applicant's representation dated 20.12.2021 during next D.P.C. as per provisions of G.R. dated 15.12.2017 and mainly its provision in 1.6 and 1.9 i.e. **within 90 days from the date of receipt of this order** and communicate to the applicant too.

4. With the above direction, **O.A. is disposed of with no order as to costs.**

Member (J)
Date:-23/12/2021.

aps.

Vice Chairman

O.A.No.850/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/ 2021.

Heard N.Khan holding for Mrs.R.S.Sirpurkar,
the Id. counsel for the applicant, Shri A.M.Ghogre, the
Id. P.O. for the respondents. None for the R-3.

2. At the request of Id. P.O., **S.O. 11.01.2022.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.1103/21(D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 23/12/ 2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. Since appointment letter of the applicant is not on record, **S.O. tomorrow i.e. 24.12.2021.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman

O.A.No.1095/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 23/12/ 2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. As per submission made by the Id. counsel for the applicant, applicant was appointed vide order dated 18.09.2002 (A-1, Pg. Nos. 17 to 19); the applicant name appeared at Sr. No. 15. There is no condition in the appointment letter of the applicant. Hence, this application is entirely cover by G.R. dated 07.08.2012 issued by Public Health Department and the Judicial fate of the G.R. is that G.R. has been stayed by the Hon'ble High Court and it is not ineffective and hence applicant is entitle for practicing. Since the G.R. dated 07.08.2012 is sub-judice before Hon'ble High Court, applicant fate will be decided after the decision of the Hon'ble High Court.

3. Issue notice to Respondents, returnable on after vacation. 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. after vacation.**

Member (J)
Date:-23/12/2021.
aps.

Vice Chairman