

O.A. No.481/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

At the request of Id. counsel for the applicant, **S.O. 20/03/2023.**

Vice Chairman

dnk.

O.A. No.20/2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

None for the applicant. Shri M.I. Khan, Id.
P.O. for R-1 to 3. Shri S. Chaure, Id. counsel
holding for Shri M.P. Kariya, Id. counsel for R-4.

At the request of Id. counsel for R-4, **S.O.
after two weeks.**

Vice Chairman

dnk.

O.A. No.137/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

At the request of Id. counsel for the applicant, **S.O. 09/03/2023.**

Vice Chairman

dnk.

O.A. No.433/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri S.P. Palshikar, 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. 13/03/2023.**

Vice Chairman

dnk.

C.A. 97/2023 in O.A. No.1127/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

The learned P.O. to file reply before next date.

S.O. two weeks.

Vice Chairman

dnk.

O.A. No.698/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri Khaparde, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1,2 & 5. None for R-3&4.

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

Vice Chairman

dnk.

O.A. No.1124/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri S.B. Tiwari, 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. three weeks** for filing reply as a last chance.

Vice Chairman

dnk.

C.A. 525/23 in O.A. No.1180/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Heard Shri G. Gadge, Id. counsel for the applicants and Shri M.I. Khan, Id. counsel for the State. Await service of R-2 to 4.

2. At the request of Id. counsel for applicant, issue fresh notice to the respondent nos.2 to 4 returnable **after three weeks.** Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. No.1102/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri I.N. Chaudhari, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.1101/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri I.N. Chaudhari, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. No.1256/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri S.Y. Deopujari, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.As. 1210,1211 & 1213 of 2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri R.M. Fating, Id. counsel for the applicants in all O.As.

(ii) Shri M.I. Khan, Id. P.O. for respondents in O.A. 1211/2022 and for R-1 in O.As. 1210 & 1213 of 2022.

(iii) Shri H.D. Marathe, Id. counsel appears on behalf of respondent nos.2 and 3 in O.A.1210 and 1213 of 2022 and submits that he will file power and for that purpose he seeks time.

(iv) At the request of learned counsel Shri H.D. Marathe, **S.O. four weeks.**

Vice Chairman

dnk.

O.A. Nos.529 & 531 of 2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

2. The learned P.O. has filed letter dated 14/02/2023 in O.A.529/2021. It is marked Exh-X. The Id. P.O. submitted that proposal is pending before the Govt. of Maharashtra GAD. He seeks time to file reply.

S.O. 24/03/2023.

Vice Chairman

dnk.

O.A. No.56/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

C.A. 20/2023 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondent.

2. As per submission of learned counsel for the applicants all applicants are / were working on Class-IV post and they are seeking same relief.

3. Looking to the submission, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A. No.56/2023 –

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondent.

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

Vice Chairman

dnk.

O.A. No.1196/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri R.M. Fating, Id. counsel holding for
Shri Kulkarni, 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. after four
weeks** for filing reply.

Vice Chairman

dnk.

O.A. No.19/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri R.V. Shiralkar, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

The Id. counsel for applicant submits that the respondents are served and he will file service affidavit.

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

Vice Chairman

dnk.

O.A. No.624/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

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

Vice Chairman

dnk.

O.A. No.930/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

2. The Id. P.O. files reply of R-2&3. It is taken on record and copy is given to the applicant. The Id. P.O. submits that said reply is sufficient to decide the matter.

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

S.O. 05/04/2023.

Vice Chairman

dnk.

O.A. No.20/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

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

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

Vice Chairman

dnk.

O.A. No.61/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

C.A. 21/2023 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Deo, Id. P.O. for the respondent.

2. As per submission of learned counsel for the applicants, the applicant no.1 and applicant no.2 are daughters of deceased employee. The applicant no.1 is claiming to substitute the name of applicant no.2 in her place at the same seniority list for appointment on compassionate ground.

3. Looking to the submission, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A. No.56/2023 –

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Deo, Id. P.O. for the respondent.

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

Vice Chairman

dnk.

O.A. No.360/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri P.P. Khaparde, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1,2 and 4 and Shri T.M. Zaheer, Id. counsel for R-3 and 5.

2. Shri T.M. Zaheer, Id. counsel files reply of R-3 and 5. It is taken on record.

3. The learned CPO seeks two weeks time to file reply, if any. At his request **S.O. after two weeks.**

Vice Chairman

dnk.

O.A. No.155/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Heard Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry

within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Vice Chairman

dnk.

O.A. No.196/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry

within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. No.344/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri G.K. Bhusari, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and 5 and Shri H.D. Marathe, Id. counsel for R-4.

2. The reply of R-2 to 5 is already filed on record.

S.O. 1st week of April, 2023.

Vice Chairman

dnk.

O.A. No.450/2014 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri L.S. Borkar, Id. counsel holding for Shri A.Z. Jibhkate, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri Sanket Makkad, Id. counsel holding for Shri Bhangade, Id. counsel for R-4.

2. As per order of this Tribunal dated 9/1/2023,, the Id. P.O. was directed to get instructions about compliance of order of this Tribunal dated 10/10/2022, but till date nothing is done by the P.O.

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

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.829/2011 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

None for the applicants. Heard Shri H.K. Pande, Id. P.O. for the respondents.

2. The matter is remanded back by the Hon'ble Bombay High Court, Bench at Nagpur as per order dated 23/2/2021.

3. The matter be kept on 14/3/2023 for final hearing. On that date, the matter will be heard even in the absence of Id. counsel for parties and O.A. will be disposed off.

S.O. 14/03/2023.

Vice Chairman

dnk.

O.A. Nos.637 & 638 of 2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri G.N. Khanzode, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 16/03/2023.**

Vice Chairman

dnk.

O.A. Nos.935 & 936 of 2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

Shri G.N. Khanzode, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 16/03/2023.**

Vice Chairman

dnk.

O.A. No.494/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 01/03/2023.

None for the applicant. Shri H.K. Pande,
Id. P.O. for the respondents.

On the last date none appeared for the
applicant.

S.O. 17/03/2023 for final hearing.

Vice Chairman

dnk.

**

O.A.No.662/2012 (D.B.)

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

Dated : 01/03/2023.

C.A.Nos.38&360/2017,112&172/2023:-

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

2. Ld. Counsel for the applicant has filed C.A. No. 112/2023 for speaking to the minutes and pointed out that in order dated 16.02.2023 in paras 2, 3 & 4 word used is "Marks" instead of that "Merit" should be used. Hence, **C.A. No. 112/2023 is allowed and disposed of.**

3. Registry is directed to do the necessary corrections.

4. Ld. P.O. has also filed merit list published by M.P.S.C. where applicant's name appeared at Sr. No. 5, merit no. 89 and total marks obtained is 58 in Open Category. Respondent no. 1 is further directed that order is passed on 06.01.2017 and in para no. 12 directions have been given about fixing the seniority that should be complied with within one month before promoting any person.

5. **Steno copy is granted.**

6. **S.O. after one month.**

Member(J)

Vice Chairman

Date:- 01/03/2023.
aps.

C.A.273/22inC.P.23/21inO.A.278/2018(D.B.)

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

Dated : 01/03/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Ld. P.O. has filed reply. It is taken on record. Copy is served to the other side.

3. Regarding recovery, it is mentioned in para no. 2. Ld. Counsel for the applicant desires two weeks time to go through it.

4. **S.O. two weeks.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.Nos.1142&1143/2021 (D.B.)

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

Dated : 01/03/2023.

Heard Ms.Uikey holding for Shri N.B.Rathod,
ld. Counsel for the applicant and Shri S.A.Sainis, ld.
P.O. for the respondents.

2. On perusal of the order dated 16.02.2023, it
appears that issue is already covered by Mumbai
High Court, Bench at Aurangabad in W.P. No.
6064/2014. However, ld. P.O. desires to file reply,
S.O. 09.03.2023 to file reply.

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.208/2022 (D.B.)

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

Dated : 01/03/2023.

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. None for the R-5 to 7.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 3 & 4. 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 Id. P.O. waives notice for the respondents.

5. **S.O. 28.03.2023.**

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.Nos.462&463/2022 (D.B.)

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

Dated : 01/03/2023.

Heard Shri G.N.Shinde, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents. None for the R-5.

2. Ld. P.O. submits that he has received parawise comments. He further seeks two weeks time to file reply.

3. **S.O. two weeks.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.717/2022 (D.B.)

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

Dated : 01/03/2023.

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Ld. P.O. submits that he has received parawise comments. He further seeks two weeks time to file reply.

3. **S.O. two weeks.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.928/2022 (D.B.)

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

Dated : 01/03/2023.

Heard Shri A.D.Girdekar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Ld. P.O. submits that he has received parawise comments. He further seeks two weeks time to file reply.

3. **S.O. two weeks.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.947/2022 (D.B.)

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

Dated : 01/03/2023.

Heard Ms. Farheen Khan holding for Shri M.R.Khan, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.973/2022 (D.B.)

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

Dated : 01/03/2023.

Heard Shri G.K.Bhusari, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. 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 Id. P.O. waives notice for the respondents.

5. **S.O. 13.03.2023.**

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.89/2023 (D.B.)

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

Dated : 01/03/2023.

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

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

3. **Put up this matter along with O.A. No. 877/2022.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.167/2023 (D.B.)

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

Dated : 01/03/2023.

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. P.O., **S.O. 21.03.2023** to file reply.

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.216/2023 (D.B.)

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

Dated : 01/03/2023.

C.A.No.114/2023:-

Heard Shri A.P.Sadavarte, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. C.A.No.114/2023 for Jt. O.A. is allowed and disposed of.

3. As documents filed on (A-11, P. 82), D.P.C. is scheduled on 02.03.2023 at 11.00 a.m.. The applicants have been given adhoc promotion till filing of the reply, while doing D.P.C. position of applicants should not be disturbed.

4. Issue notice to Respondents, returnable on four weeks. Learned C.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. **Steno copy is granted.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.639/2018 (D.B.)

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

Dated : 01/03/2023.

Heard Shri S.P.Palshikar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents. None for the R-1 & 3.

2. As per order dated 31.01.2023, enquiry is completed and final decision is awaited. **S.O. three weeks time to take instructions in this regard.**

Member(J)

Date:- 01/03/2023.

aps.

Vice Chairman

O.A.No.177/2023 (D.B.)

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

Dated : 01/03/2023.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

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

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

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

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

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

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

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.185/2023 (D.B.)

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

Dated : 01/03/2023.

Heard Shri N.B.Sakhare, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

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

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

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

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

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

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

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.207/2023 (D.B.)

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

Dated : 01/03/2023.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant, Shri S.A.Deo, ld. C.P.O. for the State and Shri M.B.Bhangde, Sr. Counsel for respondent no. 2.

2. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1 and Shri M.B.Bhangde, waives notice for the R-2. Hamdast allowed.

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

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

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

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

Applicant is directed to file Affidavit of compliance and notice.

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

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

M.C.A.No.07/2023inO.A.No.989/2018 (D.B.)

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

Dated : 01/03/2023.

Heard Smt.Saboo, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. None for the R-5.

2. Ld. P.O. has filed M.C.A. for extension of time and has sought three months time to implement the order dated 06.12.2022.

3. Two months time is granted from today. Hence, **M.C.A. No. 07/2023 is disposed of.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

R.A.No.17/2015inO.A.No.777/2012 (D.B.)

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

Dated : 01/03/2023.

Heard Shri P.A.Jibhkate, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the R-4.

2. At the request of ld. Counsel for the applicant, **S.O. one week for final hearing.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.974/2017 (D.B.)

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

Dated : 01/03/2023.

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

2. Ld. P.O. has pointed out letter dated 28.02.2023. It appears that Pay Verification Unit, Wardha is not in existence now. In view of that, ld. Counsel for the applicant is directed to change Pay Verification Unit, Wardha to Pay Verification Unit, Nagpur.

3. Office is directed to issue notice to the newly added party after amendment.

4. **S.O. 17.03.2023.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.555/18withC.A.s.245&305/19&392/21D.B

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

Dated : 01/03/2023.

Heard Shri P.A.Jibhkate, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the R-4 & 5.

2. At the request of ld. Counsel for the applicant, **S.O. two weeks for final hearing.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.847/2019 (D.B.)

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

Dated : 01/03/2023.

Heard Shri S.Borkute, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Applicant is posted in Pranhita, Dist. Gadchiroli which is undoubtedly remote area. As reply filed by the respondents, in para no. 4, last four lines which is reproduced below:-

“As per the Govt. Resolution dated 06.08.2002, the above applicant is drawing the benefits of one step hike in salary as well as tribal allowance for serving in Naxal affected Gadchiroli District.”

3. Applicant has already getting benefits of 06.08.2002 G.R., means he is getting one step higher pay and other benefits including in the said G.R..

4. Now applicant grievance is that instead of this he wants other benefits which is 1½ of his pay because that is more beneficial to him than benefit of G.R. dated 06.08.2002.

5. Ld. P.O. is directed to take instructions that whether Government has been given any choice to the employee to choose between either of the one benefit.

6. S.O. 16.03.2023.
7. Steno copy is granted.
8. Matter is treated as P.H..

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.847/2019 (D.B.)

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

Dated : 01/03/2023.

Heard Shri S.Borkute, Id. Counsel for the applicant and Shri, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks for final hearing.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.702/2020 (D.B.)

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

Dated : 01/03/2023.

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

2. At the request of Id. Counsel for the applicant, **S.O. one week to file written notes of argument along with certain judgments.**

Member(J)

Date:- 01/03/2023.

aps.

Vice Chairman

O.A.No.948/2020 (D.B.)

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

Dated : 01/03/2023.

None for the applicant. Shri H.K.Pande, Id.
P.O. for the respondents.

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

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.950/2020 (D.B.)

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

Dated : 01/03/2023.

Heard Shri S.Phadnis holding for Shri M.R.Puranik, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. Counsel for the applicant, **S.O. 08.03.2023 for final hearing.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman

O.A.No.1028/2021 (D.B.)

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

Dated : 01/03/2023.

Heard Shri Y.J.Maheshwari, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. As directed by this Tribunal, Id. P.O. has filed pursis and on P. 163 along with this pursis he has listed certain documents. On P. 165 whereas at Sr. No. 1, Shri S.S.Siddiqui who was Senior Clerk promoted to Assistant Motor Vehicle Prosecutor on following conditions:-

A. Temporary promoted for 11 months/ Finalization of recruitment rule for Assistant Motor Vehicle Prosecutor whichever happens earlier.

3. As per documents on P. 182, Para 4 it is mentioned that Shri S.S.Siddiqui retired on 30.06.2013 after superannuation. After superannuation of Shri S.S.Siddiqui, applicant was handed over the Additional Charge of Shri S.S.Siddiqui i.e. Assistant Motor Vehicle Prosecutor from 01.07.2013 to till date (Approx 10 years).

4. Applicant was promoted from Junior Clerk to Senior Clerk by order dated 25.06.2020 (X-1, P. 170) in open category. Now applicant's claim is that Shri S.S.Siddiqui was promoted from Senior Clerk to

Assistant Motor Vehicle Prosecutor. Now he is retired. The vacant post will be filled with promoting applicant with the same condition i.e. 11 months or till finalization of recruitment rules whichever is earlier.

5. However, after retirement of Shri S.S.Siddiqui, applicant then Junior Clerk was asked to take additional charge of Assistant Motor Vehicle Prosecutor.

6. Respondents have filed reply on 18.04.2022 and in para no. 10 they have submitted:-

“It is submitted that, the answering respondent no. 3 handed over the additional charge of Assistant Motor Vehicle Prosecutor to the applicant, as the said post has been lying vacant for want of promulgation of the recruitment rules for the cadre of Assistant Motor Vehicle Prosecutor. The fact remains that, the applicant is holding the substantive charge of Senior Grade Clerk in the office of respondent no. 3 and drawing salary commensurate to her posting. Further, she is entitled to additional pay by virtue of the additional charge of the post of Assistant Motor Vehicle Prosecutor admissible vide Rule 56 (B) of the M.C.S.R. (Pay) Rules, 1981.”

7. However, as per submission made by Id. Counsel for the applicant though applicant is holding additional charge of Assistant Motor Vehicle Prosecutor after retirement of Shri S.S.Siddiqui on

30.06.2013 and applicant is holding additional charge since then till now but as per their own reply she has not been paid 10% of basic as admissible vide Rule 56 (B) of M.C.S.R. (Pay) Rules, 1981 from the date of additional charge handed over to her i.e. from 01.07.2013. It has been admitted by the respondent in the reply that this it is injustice to the applicant.

8. **Closed for orders.**

Member(J)
Date:- 01/03/2023.
aps.

Vice Chairman