

O.A. 735/2018 (S.B.)

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

Dated : 08/07/2022.

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

At the request of Id. counsel, **S.O. 21/7/2022.**

Vice Chairman

dnk.

O.A. 79/2021 (S.B.)

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

Dated : 08/07/2022.

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

The applicant to remove office objection.

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

Vice Chairman

dnk.

O.A. 250/2021 (S.B.)

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

Dated : 08/07/2022.

Heard Smt. 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. three weeks** for filing reply.

Vice Chairman

dnk.

O.A. 360/2021 (S.B.)

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

Dated : 08/07/2022.

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

2. The Id. P.O. files reply of respondents. It is taken on record. Copy is given to the respondents.

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

S.O. 2/8/2022.

Vice Chairman

dnk.

O.A. 673/2021 (S.B.)

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

Dated : 08/07/2022.

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

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

Vice Chairman

dnk.

O.A. 849/2021 (S.B.)

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

Dated : 08/07/2022.

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

2. The reply of R-2 is already filed on record. 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 the respondents.

S.O. 11/8/2022.

Vice Chairman

dnk.

O.A. 45/2022 (S.B.)

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

Dated : 08/07/2022.

None for the applicants. Heard 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. 224/2022 (S.B.)

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

Dated : 08/07/2022.

None for the applicants. Heard Shri
S.A. Sainis, 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. 276/2022 (S.B.)

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

Dated : 08/07/2022.

Heard Shri Thombre, Id. counsel holding for Shri S.P. Behar, Id. counsel for the applicant and Shri S.A. Sainis , Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2 to 4. It is taken on record. 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 the respondents.

S.O. in due course.

Vice Chairman

dnk.

O.A. 350/2022 (S.B.)

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

Dated : 08/07/2022.

Heard Shri N.D. Thombre, Id. counsel
for the applicant and Shri H.K. Pande, Id. P.O.
for the respondents.

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

Vice Chairman

dnk.

O.A. 375/2022 (S.B.)

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

Dated : 08/07/2022.

Heard Shri S. Pande, 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. one week** for filing reply.

Vice Chairman

dnk.

O.A. 489/2022 (S.B.)

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

Dated : 08/07/2022.

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

2. The learned counsel submits that final order against punishment is passed by the respondents. The applicant has also challenged the punishment awarded by the respondents by filing fresh O.A. Hence, this O.A. become infructuous.

3. In view of submission of learned counsel, the O.A. is disposed off. No order as to costs.

Vice Chairman

dnk.

O.A. 528/2022 (S.B.)

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

Dated : 08/07/2022.

Heard Shri M.R. Rajgure, 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.

Vice Chairman

dnk.

O.A. 537/2022 (S.B.)

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

Dated : 08/07/2022.

None for the applicant. Heard 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. 284/2021 (S.B.)

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

Dated : 08/07/2022.

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

2. At the request of learned counsel, issue fresh notice to the respondent nos.2 to 4 returnable **after four 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 four weeks.

Vice Chairman

dnk.

O.A. 974/2021 (S.B.)

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

Dated : 08/07/2022.

Heard Smt. Deshpande, Id. counsel for the applicant and Shri S.A. Sainis , Id. P.O. for R-1 to 4. None for other respondents.

At the request of Id. counsel, **S.O. after two weeks** for filing rejoinder.

Vice Chairman

dnk.

O.A. 606/2022 (S.B.)

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

Dated : 08/07/2022.

Heard Smt. K.N. 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. 667/2022 (S.B.)

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

Dated : 08/07/2022.

Heard Shri 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. 793/2016 (S.B.)

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

Dated : 08/07/2022.

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

With the consent of learned counsel for both parties, **S.O. 12/7/2022 (PH).**

Vice Chairman

dnk.

O.A. 697/2022 (S.B.)

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

Dated : 08/07/2022.

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

2. The learned counsel has pointed out G.R. dated 22/05/2017. As per this G.R., while transferring the employee on promotion their choices should be taken into consideration. He has pointed out page no.35 i.e. Clause B (i) of the G.R. As per this clause, the department has to consider age of employee who has completed 50 years of age while transferring the said employee. The transfer order is dated 21/5/2022. This O.A. is filed on 6/7/2022.

3. As per the submission of Id. CPO, the applicant is already relieved on 30/6/2022.

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. 382/2017 (S.B.)

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

Dated : 08/07/2022.

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

The Id. counsel to clarify on the next date how to Judgment of this Tribunal is applicable in the present case also.

S.O. 20/7/2022 (PH).

Vice Chairman

dnk.

O.A. 484/2019 (S.B.)

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

Dated : 08/07/2022.

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

2. As per submission of learned counsel for both the parties, this matter was heard by Single Bench of the Member (J). Hence, put up the matter before the same Bench on the next date.

S.O. 25/7/2022.

Vice Chairman

dnk.

O.A. 876/2019 (S.B.)

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

Dated : 08/07/2022.

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

2. As per submission for learned counsel, the applicant was working as a Medical Officer from 2001 continuously without any break.

3. The learned P.O. has submitted that the applicant is regularly appointed in the year 2006, his earlier service was temporary. But nothing is filed on record by the respondents that whether earlier service of the applicant was terminated or not.

4. The Id. P.O. is directed to get instructions from the department as to whether earlier service of the applicant i.e. before 2006 was terminated or not.

S.O. 15/7/2022.

Vice Chairman

dnk.

O.A. 265/2022 (S.B.)

(Smt. Shobha w/d Vitthal Chaudhari Vs. State of Maharashtra & Ors.)

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

Dated : 08/07/2022.

Heard Shri D.N. Mudgale, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. As per the submission of learned counsel for the applicant, this matter is covered by the Judgment of this Tribunal in O.A.No.545/2020 with connected matters, decided on 17/12/2021.

3. The reply is not filed. The matter is admitted and heard finally with the consent of learned counsel for both the parties.

4. The husband of applicant was initially appointed as a Mustering Assistant on 16/3/1981. The respondents had given regular pay scale as per the Govt. G.R. dated 22/02/1993. The pay of husband of applicant was fixed on Rs.750-940/-. Thereafter, his service was discontinued on 16/9/1989. He immediately approached to the Labour Court and on 18/10/1989 the Labour Court granted relief to the husband of applicant. The respondents were directed to reinstate the husband of applicant to his original place of post. The entry of the same was also taken in the service book.

5. The Government of Maharashtra has issued G.Rs. dated 1/12/1995 and 21/4/1999. As per these G.Rs., all the Mustering Assistants were absorbed in regular service. The husband of applicant was absorbed on the post of Talathi as per order dated 7/3/2001. The husband of applicant was retired on 26/3/2013. He died on 13/9/2020 (A-4,P-31).

6. As per the submission of learned counsel for the applicant, the Collector, Wardha / Washim etc. given the benefit to the similarly situated employees and regularised services of Mustering Assistant from the date of their initial appointment for the purpose of pensionary benefits. The Collector, Wardha, Washim and other Authority given the benefit to the Mustering Assistant, as per the Judgment of Hon'ble Bombay High Court, Bench at

Aurangabad in the case of **Ramchandra Kondiba Mahajan Vs. State of Maharashtra & Ors.**

7. The learned counsel has submitted that in view of the Govt. Circular dated 28/2/2017, the husband of applicant was also entitled for the same relief which was given to the similarly situated employees. Hence, prayed to allow the O.A. and direct the respondents to regularise the service of husband of applicant from the date of his initial appointment as a Mustering Assistant for the purpose of pensionary benefits.

8. Heard learned P.O. Shri S.A. Sainis. He has submitted that husband of applicant was appointed on temporary basis. His service can be counted from the date of his absorption in regular service, therefore, the O.A. is liable to be dismissed.

9. Similarly situated employees approached to the M.A.T., Aurangabad Bench. The Judgment of M.A.T., Bench at Aurangabad was challenged before the Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Ramchandra Kondiba Mahajan Vs. State of Maharashtra & Ors.** The Hon'ble High Court has held that the services of Mustering Assistants for the purpose of pensionary benefits shall be counted from the date of their initial appointment. That Judgment was challenged before the Hon'ble Supreme Court. The SLP came to be dismissed. On the basis of the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in case of **Ramchandra Kondiba Mahajan Vs. State of Maharashtra & Ors.**, the Collector, Wardha / Washim etc. have given the benefit to the similarly situated employees as per the G.R. dated 28/2/2017.

10. The Government of Maharashtra has issued G.R. dated 28/2/2017 directing the concerned authorities to give benefit to the similarly situated employees in view of the Judgment of Hon'ble Supreme Court in case of **State of Uttar Pradesh & Ors. Vs. Arcind Kumar Srivastava reported in 2015 (1) SCC,347.** This Tribunal has also decided this issue in O.A. No. 545/2020 with connected matters holding that the services of Mustering Assistant shall be taken into consideration from the date of their initial appointment for the purpose of pensionary benefits.

11. The Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982 also shows that temporary services shall be taken into consideration for the purpose of pension provided that the employee must be permanent at the time of retirement. As per the Rule 30 of the MCS (Pension) Rules, 1982 also, the husband of applicant was entitled to get

pensionary benefits by taking into consideration of his initial date of appointment i.e. 16/3/1981. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to consider the service of husband of applicant namely Vitthal Maroti Chaudhari from the date of his initial appointment i.e. from 16/03/1981 for the purpose of pensionary benefits only.
- (iii) No order as to costs.

Vice Chairman

dnk.

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O.A.No.824/2020 (D.B.)

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

Dated : 08/07/2022.

Heard Shri R.Dharmadhikari, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. On oral request of ld. P.O. and as agreed by ld. counsel for the applicant, mater is **admitted** and kept for final hearing.

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

4. **S.O. two weeks for final hearing.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.424/2021 (D.B.)

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

Dated : 08/07/2022.

C.A.No.258/2022:-

Heard Shri A.Barahate holding for Shri N.R.Saboo, ld. Counsel for the applicant & Shri H.K.Pande, ld. P.O. for the respondents. None for the respondent no. 3.

2. C.A.No.258/2022 for early hearing is allowed and disposed of.

3. On oral request of ld. P.O., S.O. next week.

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.918/2021 (D.B.)

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

Dated : 08/07/2022.

Heard Shri N.G.Raut, the applicant in person.
Shri H.K.Pande, Id. P.O. for the respondents.

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

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

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

5. **S.O. 11.07.2022 for final hearing.**

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

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.212/2022 (D.B.)

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

Dated : 08/07/2022.

Heard Ms.M.P.Munshi, ld. Counsel for the applicant, Shri, ld. P.O. for the respondents and Shri R.S.Parsodkar, ld. counsel for the respondent no. 5.

2. On oral request of ld. P.O., **S.O. four weeks to file reply.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.204/2022 (D.B.)

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

Dated : 08/07/2022.

Heard Shri A.R.Kalele, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. 15.07.2022 to file reply.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.263/2022 (D.B.)

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

Dated : 08/07/2022.

Heard Shri R.M.Fating, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.453/2022 (D.B.)

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

Dated : 08/07/2022.

Heard Shri A.Motlog, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

3. **Ld. counsel for the applicant is directed to remove office objection.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.212/2022 (D.B.)

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

Dated : 08/07/2022.

Heard Ms.M.P.Munshi, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents. None for the respondent no. 5.

2. On oral request of ld. P.O. , **S.O. 22.07.2022 for filing reply. He is further directed to supply the same in advance to the other side.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.Nos.562&563/2022(D.B.)

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

Dated : 08/07/2022.

Heard Shri D.M.Kakani, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Ld. counsel for the applicant has filed letter dated 04.06.2022 of Government of Maharashtra and in this letter it is admitted that applicant in O.A. No. 563/2022 is senior as admitted by respondents itself. State have filed caveat in this case. However, notice was issued in May, 2022 but till now they have not filed reply.

3. As per ld. counsel for the applicant there are two posts and applicants in O.A. Nos. 562&563/2022 both are senior also. Hence, both these O.As. are clubbed together.

4. **S.O. 14.07.2022.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.565/2022 (D.B.)

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

Dated : 08/07/2022.

Heard Shri S.S.Dhengale, ld. Counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the respondents and Shri M.Shaikh, ld. counsel for the respondent no. 6.

2. On oral request of ld. P.O., **S.O. three weeks to file reply as a last chance. If respondent will not file reply till next date, matter be decided on merit.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.570/2022 (D.B.)

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

Dated : 08/07/2022.

C.A.Nos.248&249/2022:-

Heard Shri D.T.Shinde, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **C.A. No. 248/2022 for amendment is allowed and disposed of.** The ld. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. At the request of ld. P.O., **S.O. two weeks** to file reply. If reply is not file till next date, matter be heard on merit.

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.1085/2022 (D.B.)

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

Dated : 08/07/2022.

C.A.No.170/2022:-

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

2. Notice on C.A. to Respondents be issued returnable in **two weeks**.

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

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 the O.A.

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 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.

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. two weeks.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.1146/2021 (D.B.)

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

Dated : 08/07/2022.

None for the applicant. Shri A.M.Ghogre, Id.
P.O. for the respondents.

2. Ld. P.O. submits that he is going to file reply during the course of the day. In view of this, matter is **admitted** and kept for final hearing.

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

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

5. *Put this matter along with O.A. No. 1147/2021.*

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.1147/2021 (D.B.)

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

Dated : 08/07/2022.

None for the applicant. Shri A.M.Ghogre, Id.
P.O. for the respondents.

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

3. *Put this matter along with O.A. No.
1146/2021.*

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.514/22,O.A.No.391/22withC.A.169/22

**withO.A.405/22withO.A.406/22with
O.A.407/22withO.A.411/22 (D.B.)**

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

Dated : 08/07/2022.

Shri V.S.Kumbhare, applicant in person. Shri A.M.Ghogre, ld. P.O. for the respondents. Await service of R-2 & 3 in O.A. No. 514/2022.

2. At the request of applicant in person, **S.O. 12.07.2022.**

Later On:-

Shri R.B.Dhore, ld. counsel for the applicant present and praying to issue fresh notice.

2. Issue fresh notice to Respondent nos. 2 & 3 in O.A. No. 514/2022, returnable on 12.07.2022. Learned 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. 12.07.2022.**

9. **For rest of the O.As. also S.O. 12.07.2022.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.497/2020 (D.B.)

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

Dated : 08/07/2022.

None for the applicant. Shri H.K.Pande, Id.
P.O. for the respondents. None for the respondent
nos. 5 & 6.

2. **S.O. six weeks.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.333/2022 (D.B.)

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

Dated : 08/07/2022.

Shri R.Waghmare, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 12.07.2022.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.686/2022 (D.B.)

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

Dated : 08/07/2022.

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 22.07.2022. 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. 22.07.2022.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

C.P.No.54/2021inO.A.No.433/2014 (D.B.)

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

Dated : 08/07/2022.

Shri N.D.Thombre, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. Ld. counsel for the applicant has filed Rejoinder to the reply filed by respondent no. 3 and submits that all the dues has not been paid. Ld. P.O. desires time to take instructions regarding the same, **S.O. three weeks.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

C.P.No.48/2022inO.A.No.925/2021 (D.B.)

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

Dated : 08/07/2022.

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

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

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

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.556/1995withC.A.43&53/2016(D.B.)

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

Dated : 08/07/2022.

Shri A.M.Sharma, 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. 15.07.2022.**

3. **Ld. P.O. is directed to file reply on amended part on next date.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.528/2019 (D.B.)

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

Dated : 08/07/2022.

Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 18.07.2022.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.700/2020withC.A.No.373/2021 (D.B.)

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

Dated : 08/07/2022.

Shri S.C.Joshi, ld. counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

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

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.59/2021 (D.B.)

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

Dated : 08/07/2022.

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

2. **Closed for orders.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.205/2021 (D.B.)

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

Dated : 08/07/2022.

Shri S.P.Palshikar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Ld. counsel for the applicant has placed on record order dated 13.08.2021, by Director General of Police, Maharashtra State. According to this order, prayer clause 8 (i)(ii) have been solved and decision are in the favours of the applicant. Hence, now ld. counsel for the applicant is not going to press the same. Now, only prayer clause (iii) remains which is reproduced below:-

“further be pleased to hold and declare that the applicant is entitled for grant of deem date of promotion as of 30.08.2019 when his batchmates were promoted by granting him all consequential and monetary benefits arising there from;”

3. Ld. counsel for the applicant has pointed out about the deemed date of promotion of the applicant. Hence, **Respondent no. 2 is directed to decide the prayer of the applicant according to the Law and communicate to the applicant within 60 days from the receipt of this order.**

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

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.324/2021 (D.B.)

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

Dated : 08/07/2022.

Heard Shri A.Barahate holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. **S.O. next week.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.1121/2021 (D.B.)

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

Dated : 08/07/2022.

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

2. Ld. P.O. has placed on record chart of applicants in a tabular form of 11 candidates which is marked exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side. In this chart, it is mentioned the date of appointment, when they passed the Departmental Examination and in which chance.

3. Ld. counsel for the applicant is claiming that as per annexures 11 page no. 69 Sr. Nos. 2, 3, 4, 9, 11, 12, 15 & 16 they were appointed and they passed the examination in four years and three chances as prescribed by the Rule. So they became senior to the applicant.

4. Ld. counsel for the applicant is directed to place on record only about 8 people in a chart format as similar by ld. P.O. in which he has to mention those eight people date of appointment, date of passing of examination and the chance in which they have passed and supply the same to the ld. P.O. in advance.

5. S.O. 14.07.2022.

6. **Steno copy is granted.**
7. **Matter is treated as P.H.**

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman

O.A.No.1048/2021 (D.B.)

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

Dated : 08/07/2022.

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

2. Closed for orders.

Member(J)

Date:-08/07/2022.

aps.

Vice Chairman

O.A.Nos.523/2021withC.A.293/2021&

C.A.No.294/2021withO.A.524/2021with

O.A.525/2021 (D.B.)

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

Dated : 08/07/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant, Shri H.K.Pande, ld. P.O. for the respondents, Shri S.P.Palshikar, ld. counsel for the respondent nos. 15 to 20 in O.A. No. 523/2021 and Shri R.M.Fating, ld. counsel for the respondent nos. 6 to 8 and 12 & 13.

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

Member(J)
Date:-08/07/2022.
aps.

Vice Chairman