

O.A. 719/2017 (S.B.)

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

**Dated : 16/03/2022.**

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

At the request of Id. Counsel, **S.O.**  
**7/4/2022.**

**Member (J).**

dnk.

O.A. 782/2019 (S.B.)

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

**Dated : 16/03/2022.**

Heard Shri G.K. Bhusari, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. one week.**

**Member (J).**

dnk.

**C.A. 255/2018 in O.A.St.1342/2018 (S.B.)**

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

**Dated : 16/03/2022.**

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

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

**Member (J).**

dnk.

O.A. 126/2022 (S.B.)

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

**Dated : 16/03/2022.**

Heard Shri Y. Thengre, Id. counsel for the applicant and M.I. Khan, 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.

**Member (J).**

dnk.

**C.A. 92/2022 in O.A. 882/2021 (S.B.)**

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

**Dated : 16/03/2022.**

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

At the request of Id. counsel for the applicant, **S.O. next week.**

**Member (J).**

dnk.

**O.A. 841/2017 (S.B.)**

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

**Dated : 16/03/2022.**

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

The Id. counsel for the applicant submits that respondent no.1 is served and he will file service affidavit.

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

**Member (J).**

dnk.

**O.A. 319/2018 (S.B.)**

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

**Dated : 16/03/2022.**

**C.A. 138/2018 -**

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

2. The Id. counsel for the applicant pointed out that the applicant is claiming deemed date of regularisation. He was entitled for regularised, but wrongly not regularised and it is admitted by the respondents. It is a continuous cause of action. The delay is about 1 year and 11 months. Therefore the applicant prayed to condone the delay.

3. The Id. P.O. Shri Potnis strongly objected to condone the delay. It appears from the prayer of the applicant, it is continuous cause of action. Hence, the C.A. is allowed and delay is condoned.

**O.A. 319/2018 –**

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

The Id. P.O. files reply of R-1 to 4. It is taken on record.

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. 1016/2019 (S.B.)**

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

**Dated : 16/03/2022.**

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

2. The Id. P.O. is directed to get instructions as per order dated 18/12/2019 and file reply positively on the next date.

**S.O. three weeks.**

**Member (J).**

dnk.

**O.A. 289/2022 (S.B.)**

( G.H. Gokhale Vs. State of Mah. & Ors. )

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

**Dated : 16/03/2022.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The learned counsel for the applicant submitted that the applicant is Class-III employee and about to retire within one month. The respondents have issued the order dated 28/02/2022 for recovery of Rs.6,83,787/- from the applicant. The Id. counsel for the applicant submitted that it is not permissible in view of the Judgment of Hon'ble Supreme Court in para-12 in case of **State Of Punjab & Ors vs. Rafiq Masih (White Washer) etc. decided on 18 December, 2014** in Civil Appeal No. 11527 OF 2014 (Arising out of SLP(C) No. 11684 of 2012). The para-12 is reproduced as below-

*"12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-*

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

3. In view of the guidelines of the Hon'ble Supreme Court, if the recovery amount was mistakenly paid to the Class-III / Class-IV employee, then it cannot be recovered.
4. In that view of the matter, **the impugned order dated 28/02/2022 is hereby stayed until further orders.**
5. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

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

Steno copy is granted...

**Member (J).**

dnk.

**O.A. 290/2022 (S.B.)**

( C,\.R. Nagpure Vs. State of Mah. & Ors. )

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

**Dated : 16/03/2022.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The learned counsel for the applicant submitted that the applicant is Class-III employee and retired on 30/06/2018. The respondents have issued the order dated 01/02/2022 for recovery of Rs.3,92,798/- from the pension of applicant. The Id. counsel for the applicant submitted that it is not permissible in view of the Judgment of Hon'ble Supreme Court in para-12 in case of **State Of Punjab & Ors vs. Rafiq Masih (White Washer) etc. decided on 18 December, 2014** in Civil Appeal No. 11527 OF 2014 (Arising out of SLP(C) No. 11684 of 2012). The para-12 is reproduced as below-

*"12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-*

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

3. In view of the guidelines of the Hon'ble Supreme Court, if the recovery amount was mistakenly paid to the Class-III / Class-IV employee, then it cannot be recovered.

4. In that view of the matter, **the impugned order dated 01/02/2022 is hereby stayed until further orders.**

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

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

Steno copy is granted...

**Member (J).**

dnk.

**O.A. 151/2020 (S.B.)**

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

**Dated : 16/03/2022.**

Heard Shri G.K. Bhusari, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files reply of R-2. It is taken on record. He submits that reply of R-2 is sufficient to decide the matter.

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. 36/2021 (S.B.)

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

**Dated : 16/03/2022.**

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

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

**Member (J).**

dnk.

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

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

**Dated : 16/03/2022.**

Heard Sujata Waldekar, Id. counsel holding for Shri A.S. Khadatkar, Id. counsel for the applicant and A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 1/4/2022** for filing reply.

**Member (J).**

dnk.



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

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

**Dated : 16/03/2022.**

Heard R.P. Jog, Id. counsel for the applicants and M.I. Khan, Id. P.O. for R-1 to 4. None for R-5.

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

Steno copy is granted...

**Member (J).**

dnk.

**O.A. 797/2021 (S.B.)**

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

**Dated : 16/03/2022.**

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

The Id. P.O. files reply of R-1 to 3. It is taken on record.

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

**S.O. 12/4/2022.**

**Member (J).**

dnk.

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

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

**Dated : 16/03/2022.**

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

The Id. P.O. files reply of R-1 to 4. It is taken on record. He submits that reply of R-1 to 4 is sufficient to decide the matter.

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

**S.O. 8/4/2022.**

**Member (J).**

dnk.

**O.A. 871/2021 (S.B.)**

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

**Dated : 16/03/2022.**

Heard S.M. Bhagde, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

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

**S.O. 4/4/2022.**

**Member (J).**

dnk.

O.A. 956/2021 (S.B.)

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

**Dated : 16/03/2022.**

Heard S. Waldekar, Id. counsel for the applicant and 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.

**Member (J).**

dnk.

O.A. 1078/2021 (S.B.)

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

**Dated : 16/03/2022.**

Heard D.M. Surjuse, Id. counsel for the applicant and M.I. Khan, 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. 1123/2021 (S.B.)

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

**Dated : 16/03/2022.**

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

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

**Member (J).**

dnk.

O.A. 1155/2021 (S.B.)

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

**Dated : 16/03/2022.**

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

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

**Member (J).**

dnk.



O.A. 39/2022 (S.B.)

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

**Dated : 16/03/2022.**

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

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

**Member (J).**

dnk.

O.A. 18/2022 (S.B.)

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

**Dated : 16/03/2022.**

Heard R. Taiwade, Id. counsel for the applicant and V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

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

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

**Member (J).**

dnk.

**O.A. 38/2022 (S.B.)**

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

**Dated : 16/03/2022.**

Heard S. Taram, Id. counsel for the applicant and V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

**S.O. three weeks** for filing service affidavit.

**Member (J).**

dnk.

O.A. 154/2022 (S.B.)

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

**Dated : 16/03/2022.**

None for the applicant. V.A. Kulkarni, Id.  
P.O. for R-1. Await service of R-2 to 6.

**S.O. four weeks** for filing service  
affidavit.

**Member (J).**

dnk.

**O.A. 954/2021 (S.B.)**

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

**Dated : 16/03/2022.**

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

The applicant to remove office objections.

2. Issue notice to the respondents returnable **after four weeks**. Learned 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.**

**Member (J).**

dnk.

**O.A. 267/2022 (S.B.)**

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

**Dated : 16/03/2022.**

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

2. Issue notice to the respondents returnable **after four weeks**. Learned 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.**

**Member (J).**

dnk.



**O.A. 20/2016 (S.B.)**

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

**Dated : 16/03/2022.**

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

2. It is submitted that A.S. Kilor is elevated as Hon'ble High Court Judge.

3. The matter pertains to the appointment on the post of Police Patil. As per the Recruitment Rules of Police Patil, the tenure of Police Patil is about five years. This O.A. is filed in the year 2016. In this situation, one more opportunity is given to the applicant.

4. Issue notice to the applicant returnable **after four weeks.**

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

**Member (J).**

dnk.

**O.A. 74/2020 (S.B.)**

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

**Dated : 16/03/2022.**

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

The Id. counsel for the applicant has filed rejoinder. It is taken on record. Copy is given to the other side.

The matter is already listed for hearing.

**S.O. 12/4/2022.**

**Member (J).**

dnk.

O.A. 122/2020 (S.B.)

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

**Dated : 16/03/2022.**

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

At the request of Id. P.O., **S.O.**  
**24/3/2022.**

**Member (J).**

dnk.

O.A. 162/2021 (S.B.)

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

**Dated : 16/03/2022.**

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

At the request of Id. P.O., **S.O.**  
**24/3/2022.**

**Member (J).**

dnk.

O.A. 718/2020 (S.B.)

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

**Dated : 16/03/2022.**

Heard Shri G.G.Bade, Id. counsel for the applicants and M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 21/3/2022.**

**Member (J).**

dnk.

O.A. 882/2020 (S.B.)

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

**Dated : 16/03/2022.**

Heard Shri K.S. Malokar, Id. counsel for the applicants and M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**28/3/2022.**

**Member (J).**

dnk.

**O.A. 947/2020 (S.B.)**

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

**Dated : 16/03/2022.**

Heard Shri V.B. Manvatkar, Id. counsel for the applicants and M.I. Khan, Id. P.O. for the respondents.

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

**S.O. 4/4/2022.**

**Member (J).**

dnk.

O.A. 406/2021 (S.B.)

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

**Dated : 16/03/2022.**

Heard Shri R.M. Fating, Id. counsel for the applicants and M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**29/3/2022.**

**Member (J).**

dnk.



**O.A. 20/2022 (S.B.)**

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

**Dated : 16/03/2022.**

Heard Shri A.P. Tathod, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri S.G. Jagtap, Id. counsel for R-2.

**Closed for orders.**

**Member (J).**

dnk.

**O.A. 222/2022 (S.B.)**

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

**Dated : 16/03/2022.**

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

2. The Id. counsel for the applicant submitted that the applicant is suspended on 28/7/2021. The respondents have not reviewed the suspension order. The Charge sheet is filed, but inquiry is going on very slowly. He has pointed out the Judgment of Honble Apex Court in case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary & Ano. (2015) 7 SCC,291.**

3. The learned P.O. submits that he wants time to take necessary instructions. On the earlier date also, the Id. P.O. made such type of statement, but nothing is produced on record about the progress.

4. The Id. P.O. is directed to get instructions and submit in writing about progress of the matter or submit as to whether the suspension order is revoked or not.

**S.O. 30/3/2022.**

Steno copy is granted...

**Member (J).**

dnk.\*



O.A.No.205/2017 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 16/03/2022.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. None for the applicant on 02.01.2018, 23.04.2018, 27.03.2019 & 04.12.2019 also. It seems from the record that Id. counsel for the applicant is not interested in prosecuting the matter. Hence, matter is **dismissed in default**.

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.22/2019 (D.B.)

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

**Dated : 16/03/ 2022.**

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

2. **S.O. three weeks.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.166/2019 (D.B.)

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

**Dated : 16/03/ 2022.**

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

2. The Id. P.O. has filed reply of respondent no. 2. It is taken on record. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**O.A.Nos.998&999/2019 (D.B.)**

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

**Dated : 16/03/ 2022.**

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.229/2020 (D.B.)

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

**Dated : 16/03/ 2022.**

Heard Shri C.A.Babrekar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. None for the R-3. Await service of R-1 to 3.

2. The Id. counsel for the applicant submits that service affidavit has been filed. At the request of Id. P.O., **S.O. three weeks to file reply.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**



O.A.No.946/2020 (D.B.)

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

**Dated : 16/03/ 2022.**

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

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.Nos.168,169&170/2021 (D.B.)

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

**Dated : 16/03/ 2022.**

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri, the Id. P.O. for the respondents.

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.318/2021 (D.B.)

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

**Dated : 16/03/ 2022.**

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

2. The Id. P.O. desires time to file reply on amended portion of the O.A.. However, it is pointed out that for the sake of repetition also that while filing reply on 01.09.2021 respondent in para no. 6 (pg. no. 100) it states that -

*"6. It is pertinent to note that, the applicant's case for promotion has been considered twice by the department as per the provision of above quoted government resolution and the D.P.C. had taken a conscious decision not to promote the applicant on the post of A.P.I. As stated above the applicant's case will again be considered in the forth coming D.P.C. for the year 2020-21 and the applicant's case will be examined as per the G.R. dated 15.12.2017 and the result of the same will be communicated to the applicant."*

3. While filing reply they should take into account submission made in the above para.

4. S.O. 06.04.2022.

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.868/2021 (D.B.)

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

**Dated : 16/03/ 2022.**

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. has filed reply on behalf of the respondent no. 3. 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 notices for the respondents.

5. **S.O. in due course.**

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.1047/2021 (D.B.)

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

**Dated : 16/03/2022.**

Heard Shri A.A.Potnis holding for Shri A.M.Sudame, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

3. **If reply is not filed till next date, matter be heard on merit.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.Nos.1059&1060/2021 (D.B.)

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

**Dated : 16/03/2022.**

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

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

3. **I.R. granted on 09.02.2022 be continued till next date.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.1100/2021 (D.B.)

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

**Dated : 16/03/2022.**

**C.A.Nos.414/2021&84/2022:-**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the caveator.

2. The Id. counsel for the applicant has filed C.A.No.84/2022 for adding party i.e. respondent no. 5 Executive Engineer, Amravati and Respondent no. 6 Shri Ravi K. Adau. Hence, **C.A. No. 84/2022 for addition of party is allowed and disposed of.**

3. 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. The Id. counsel has filed C.A. No. 414/2021 and attached two documents at Annexure-B, Page No. 9 and Annexure-C, Page No. 10. The Annexure-B, Page No. 9 is attendance muster book, which has been signed by applicant till 08.12.2021. The Annexure-B, Page No. 10 is inward-outward register of office which has been signed by applicant till 06.12.2021. These two documents clearly show that applicant was not relieved till 08.12.2021. In this situation it appears that respondents have clearly disobeyed the order passed by this Tribunal on 06.12.2021.

4. The Id. P.O. is directed to take three weeks time to file reply. He is also directed to file reply on



C.A. and in reply he should specifically clarify regarding passing of order dated 03.12.2021 despite Tribunal order dated 06.12.2021. Matter was heard on 24.12.2021 and in para nos. 4 & 5 specific observations have been made; respondents are directed to take action according to the para nos. 4 & 5 of the order dated 24.12.2021.

5. Office is directed to issue notice to the newly added Respondents, returnable on three weeks. Learned P.O. waives notice for R-5. 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. three weeks.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**O.A.No.1167/2021 (D.B.)**

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

**Dated : 16/03/ 2022.**

**C.A.No.432/2021:-**

Heard Shri K.S.Malokar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

**2. C.A.No.432/2021 for Jt. O.A. is allowed and disposed of.**

**O.A.No.1167/2021:-**

As submitted by Id. counsel for the applicant the documents filed on record i.e. A-5, Pg. No. 51 in the fourth line from the top is written as below:-

"I nj depl&; kauk oruJsth oxGrk ox&d P; k i nkpsdkskrgh  
Ok; nsvuKs ulghr-"

2. The issue relates to G.R. dated 29.03.2003 when Class-IV employees were absorbed in Class-III with certain conditions.

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

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

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

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

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

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

9. **S.O. four weeks.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**O.A.No.28/2022 (D.B.)**

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

**Dated : 16/03/ 2022.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri, the Id. P.O. for the respondents and Shri P.Joshi holding for Shri G.N.Khazode, the Id. counsel for the R-5.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 4 & 6. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the respondent no. 5 desires two weeks time to file reply, **S.O. 31.03.2022.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

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

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

**Dated : 16/03/ 2022.**

Heard Shri P.V.Thakre, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.Nos.86&88/2022 (D.B.)

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

**Dated : 16/03/ 2022.**

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of R-2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. three weeks to file service affidavit.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

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

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

**Dated : 16/03/ 2022.**

Heard Ms. M.P.Munshi, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of R-2 to 10.

2. During last hearing the Id. counsel for the applicant was directed to make Caste Scrutiny Committee of Tribal Department as a party respondent which she has already done as a respondent no. 10. She has further asked to supply two judgments of Hon'ble Apex Court; she submits that tomorrow she will submit it on record and supply it to the other side in advance.

3. **S.O. one week.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**



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

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

**Dated : 16/03/ 2022.**

**C.A.No.103/2022:-**

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

2. **C.A.No.103/2022 for Jt. O.A. is allowed and disposed of.**

**O.A. No.300/2022:-**

The Id. counsel for the applicant has approached to Hon'ble High Court in W.P. Nos. 2162, 1477, 1478, 1411, 1412, 1413 & 2663/2021. Hon'ble High Court has directed to pray before M.A.T. and directed to disposed of the case expeditiously the interim relief prayed by the applicant on page no. 41 (IX) was also considered. After considering the issue of appointment, **it is observed that M.P.S.C./ Respondents are directed that if any appointment has been made in the category of E.W.S.; it should be subject to outcome of the O.A.**

2. Issue notice to Respondents, returnable on four weeks. 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. four weeks.**

9. **Steno copy is granted.**

Member(J)  
Date:-16/03/2022.  
aps.

Vice Chairman

**O.A.No.694/2020 (D.B.)**

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

**Dated : 16/03/2022.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondents and Shri H.D.Marathe, the Id. counsel for the respondent no. 3.

2. As pointed out by Id. counsel for the respondent no. 3 he has mentioned 'Executive Engineer, Akola' it should be corrected as 'Executive Engineer, Yavatmal'. The Id. counsel for the applicant is directed to correct it forthwith.

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.265/2022 (D.B.)

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

**Dated : 16/03/ 2022.**

Heard Shri D.N.Mundgale, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The Id. counsel for the applicant has asked many reliefs in the original application. He should examine that issue. As submitted by Id. counsel for the applicant he desires to delete prayer clause (iv) on page no. 16. He is permitted to do so. After deletion, **office is directed to place this matter before Single Bench.**

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

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

9. **S.O. four weeks.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**C.P.No.34/2021inO.A.No.158/2018 (D.B.)**

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

**Dated : 16/03/ 2022.**

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

2. Ld. counsel for the applicant has also produce copy of W.P. No. 559/2022 of Hon'ble High Court Bombay, Bench at Nagpur and in para no. 6 the main contention are recorded.

3. **S.O. two weeks to file reply.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**Rev.No.03/2022inC.P.No.40/2019in**

**O.A.No.590/2017 (D.B.)**

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

**Dated : 16/03/ 2022.**

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

2. Today the matter was brought on the board on review application. However, the Id. counsel for the applicant seeks time, **S.O. 23.03.2022.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**Rev.No.02/2022inO.A.No.864/2017 (D.B.)**

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

**Dated : 16/03/2022.**

Heard Shri P.P.Khaparde holding for Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. 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. four weeks.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

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

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

**Dated : 16/03/ 2022.**

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

2. **S.O. 24.03.2022.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.281/2015 (D.B.)

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

**Dated : 16/03/ 2022.**

Heard Shri P.P.Khaparde, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel for the R-2. None for the R-2 to 5.

2. At the request of Id. counsel for the applicant, **S.O. Monday i.e. 21.03.2022.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

O.A.No.579/2017 (D.B.)

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

**Dated : 16/03/ 2022.**

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

2. As submitted by Id. counsel for the applicant; the applicant was punished by letter dated 27.01.2017 by respondent no. 3. The punishment is reproduced below:-

"Jh i h- Mh- Vbhkj dj rRdk- eMG vf/kckjh 'kgki j' %I |k I o kfuorRr½ ; kb; kfo: /n yko.; kr vkyysfrUgh nskkj ki i wk- fl /n gkr v l Y; keGs Jh- i h-Mh-Vbhkj dj rRdkfyu] eMG vf/kckjh 'kgki j' r- HkMkj ; kps fuoRrhorukru 1@3 fuoRrhoru 3 o"KZjhirk njegk d i kr ; kos r l p fuy;cudkG gk l ozi z kst ukfKzfuy;cudkG ?kS"kr dj.; kr ; kok"

3. The applicant preferred appeal before respondent no. 2 which was rejected vide order dated 17.06.2017. The Id. counsel for the applicant has filed today correspondence dated 27.09.2017 by Senior Accountant, A.G. Office in which it has been asked that from which date recovery should be made effective because order was passed in 2017 and till now recovery has not been done. The document is marked Exh. "X" for the purpose of identification. It is taken on record. Since recovery has not been done even though the rejection order was passed on 27.01.2017. An appeal was rejected on 17.06.2017.

Documents filed by Id. counsel for the applicant is very much relevant by which A.G. has asked effective date of recovery.

4. In view of this situation, Id. P.O. is directed to take necessary instructions from respondents that what reply and what action has been taken till now. It is also pointed out that letter issued by A.G. on 27.09.2017; if recovery would have been started from the rejection of appeal it might have been case were recovery amount would have been recovered fully till now. In this background the Id. counsel for the applicant has pleaded this case. The Id. P.O. should take instructions from the respondents within two weeks and communicate it to the Id. counsel for the applicant and file it on record.

5. **S.O. 31.03.2022.**

6. **Matter be treated as P.H.**

7. **Steno copy is granted.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**O.A.No.989/2018 (D.B.)**

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

**Dated : 16/03/ 2022.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri L.H.Kothari, the Id. counsel for the R-5. None for the R-6.

2. The matter pertains to seniority and promotion. As submitted by Id. counsel for the applicant on page no. 33; applicant is at seniority no. 3, respondent no. 5 is at seniority no. 4 and respondent no. 6 is at seniority no. 5. The applicant were in 'C' Cadre with that seniority then they were brought in said cadre which is on page no. 15; here also applicant is at seniority no. 13, respondent no. 5 is at seniority no. 14 and respondent no. 6 is at seniority no. 16.

3. The date of intimation of notice is 13.02.2019 and matter was admitted on 16.02.2022 but as submitted by Id. counsel for the applicant till now reply of either respondents or respondent nos. 5 & 6 are not been filed. Now as a final chance Id. P.O. is granted three weeks time to file reply. Since Id. counsel for the respondent no. 5 is also present. Hence, respondent no. 5 is also directed to file reply if he so desires.

4. If reply is not been filed till next date matter be heard on merit, **S.O. 31.03.2022.**

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**

**O.A.No.523/21 with C.A.Nos.293&294/21 with**

**O.A.Nos.524&525/2021 (D.B.)**

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

**Dated : 16/03/ 2022.**

Heard Shri V.Dongre, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri S.P.Palshikar, the Id. counsel for the R-15 to 20 (O.A. No.523/2021). Shri R.M.Fating, the Id. counsel for the R-6 to 8, 12 & 13 (O.A. No. 525/2021)

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

**Member(J)**  
**Date:-16/03/2022.**  
aps.

**Vice Chairman**



**O.A.No.305/2022 (D.B.)**

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

**Dated : 16/03/ 2022.**

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

2. As per documents at A-1, Pg. No. 45 applicant name was sponsored by Social Welfare Department as mentioned in the appointment letter. It means his name was registered in unemployment register of Social Welfare Department. He is appointed on the post of 'Demonstrator' for six months. Subsequently, applicant's department submitted applicant's documents to Tribal Caste Scrutiny Committee, Amravati for verification which has never been processed. Since applicant belongs to N.T.D. Category, the verification is to be done by concerned Social Welfare Department and not by Tribal Department. Now, respondents have issued letter dated 28.12.2021 (A-30, Pg. No. 84) as show cause that's why applicant's services should not be terminated in absence of verification certificate submitted by applicant for N.T. (Hk-fo-t-). As per A-36 page no. 99; Desk Officer correspondence dated 27.01.2022 from Medical Education and Drug Department in para no. 2 has asked the applicant to submit the verification certificate by 12.02.2022 in response to show cause notice dated 28.12.2022.

3. It appears that either applicants/ respondents are not clear that from which department your organization i.e. The Caste Verification Certificate of the applicant needs to be obtained. In view of above facts **order dated A-30, Pg. No. 84 and order dated A-36, Pg. No. 99 are stayed till filing of the reply.**

4. As per submission by the applicant and documents at Pg. No. 99 (A-36) **applicant has been given chance to submit Verification Certificate till 12.02.2022.** As submitted by the Id. counsel for the applicant he is still working and he has not been terminated till now.

5. Issue notice to Respondents, returnable on four weeks. 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. four weeks.**

Member(J)  
Date:-16/03/2022.  
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Vice Chairman