

(S.B.)

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

Dated : 21/03/2022.

C.A. 512/2019 in O.A. 514/2018 -

Heard Shri D. Karnik, 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. 1st week of April,2022** for filing rejoinder in C.A.

Member (J).

dnk.

O.A. 864/2020 (S.B.)

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

Dated : 21/03/2022.

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

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

Member (J).

dnk.

O.A. 892/2020 (S.B.)

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

Dated : 21/03/2022.

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

At the request of Id. P.O., **S.O. one week**
for filing reply.

Member (J).

dnk.

O.A. 44/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri S.N. Gaikwad, Id. counsel
for the applicant and Shri A.M. Khadatkar, 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. 360/2021 (S.B.)

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

Dated : 21/03/2022.

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. four
weeks** for filing reply as a last chance.

Member (J).

dnk.

O.A. 516/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The applicant to remove office objections.

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

Member (J).

dnk.

O.A. 582/2021 (S.B.)

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

Dated : 21/03/2022.

C.A. 221/2021 -

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

The matter is related to the compassionate appointment. Since the applicants are claiming same relief, the C.A. for filing Jt. O.A. is allowed.

O.A. 582/2021 -

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

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

Member (J).

dnk.

O.A. 769/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri N.D. Thombre, Id. counsel
for the applicant and Shri A.M. Khadatkar, 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. 791/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

At the request of Id. C.P.O., **S.O.**
28/3/2022 for filing reply.

Member (J).

dnk.

O.A. 937/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri P.N. Shende, Id. counsel for the applicant and Shri A.M. Khadatkar Id. P.O. for R-1&2. None for R-3.

The applicant to remove office objections.

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

Member (J).

dnk.

O.A. 984/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

The applicant to remove office objection.

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

Member (J).

dnk.

O.A. 1104/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for applicant and Shri S.A.Sainis, Id. P.O. for R-1 to 5. None for other respondents.

At the request of Id. P.O., **S.O. 11/4/2022** for filing reply.

Member (J).

dnk.

O.A. 1105/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for applicant and Shri S.A.Sainis, Id. P.O. for R-1 to 5. None for other respondents.

At the request of Id. P.O., **S.O. 11/4/2022** for filing reply.

Member (J).

dnk.

O.A. 1042/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for R-1.

The Id. counsel for applicant has not collected hamdast for R-2&3.

S.O. 11/4/2022.

Member (J).

dnk.

O.A. 82/2022 (S.B.)

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

Dated : 21/03/2022.

Heard Shri S.M. Khan, Id. counsel for 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.

Member (J).

dnk.

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

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

Dated : 21/03/2022.

C.A. No. 420/2021 -

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

2. The C.A. is pending from 17/12/2021. The Id. P.O. seeks time to file reply on C.A.

3. The Id. counsel for the applicant submits that it is mistakes on the part of earlier counsel. Due to oversight, some material facts are not pleaded in the present O.A.

4. The Id. P.O. strongly objected the application. The proposed amendment will not change the nature of the O.A.. Hence, the C.A. for amendment is allowed. Necessary amendment be carried out within one week.

O.A. 613/2018 –

S.O. two weeks.

Member (J).

dnk.

(S.B.)

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

Dated : 21/03/2022.

C.A. 468/2017 in O.A. St.2147/2017 -

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

The C.A. is pending from 2017 . The
reply is already filed on C.A.

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

Member (J).

dnk.

(S.B.)

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

Dated : 21/03/2022.

C.A. 33/2021 in O.A.St. 09/2021 -

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

The Id. P.O. submits that as per the instructions received from department, only notice on C.A. was served, but copies of CA and OA (St.) are not served.

The Id. counsel submits that he will supply the copies today itself.

S.O. after three weeks.

Member (J).

dnk.

O.A. 276/2022 (S.B.)

(R.U. Sheikh Vs. State of Mah. & Ors.)

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

Dated : 21/03/2022.

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

2. Issue notice to the respondents returnable **after three 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 three weeks.

Member (J).

dnk.

O.A. 307/2022 (S.B.)

(S.S. Sontakke Vs. State of Mah. & Ors.)

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

Dated : 21/03/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri S.A. Deo, Id. C.P.O. for the State and Shri S.N. Gaikwad, Id. counsel for R-3 (Caveator).

2. The applicant is seeking interim relief to stay the impugned order dated 9/3/2022. As per his submission, the applicant is working as Police Inspector at Police Station, Wani from 12/10/2021. The learned counsel for the applicant has pointed out Section 22N of the Maharashtra Police Act and submitted that no any grounds are made out to transfer the applicant. Hence, prayed to stay the impugned order. The learned counsel for the applicant has pointed out order of this Tribunal dated 1/12/2021 and Judgment in O.A. 1004/2021.

3. Heard Shri S.A. Deo, Id. CPO. He has strongly objection the O.A. He has pointed out show cause notice dated 3/2/2022 issued to the applicant at page no.33. He has also pointed out various documents which are taken on record and marked Exh-X for identification.

4. Heard Shri S.N. Gaikwad, Id. counsel for R-3 (Caveator). He has also filed some documents which are taken on record and marked Exh-X1.

5. The Id. CPO has submitted that the respondent no.3 has already taken charge. As per his instructions on 17/3/2022 charge sheet is issued to the applicant as the applicant was not doing his duty properly and therefore in view of the sub clause (d) of Section 22N of the Maharashtra Police Act and also in view of Proviso (a) of the said Section, the applicant is transferred legally. He has pointed out the detailed report of Police Establishment Board dated 9/3/2022 in which the misconduct of the applicant is specifically pointed out.

6. Heard Shri S.P. Palshikar, Id. counsel for the applicant. He has submitted that on the very day i.e. on 9/3/2022, the respondent no.2 passed the impugned order.

7. The learned counsel for the applicant has submitted that the applicant has not completed tenure for transfer and therefore the mid-term transfer is illegal. Hence, the impugned order is liable to be quashed and set aside.

8. From the perusal of the impugned transfer order, it is based on the report of Police Establishment Board dated 9/3/2022. It is specifically mentioned that the applicant was not doing duty properly and therefore there were many illegal works going in his jurisdiction. Therefore, the Team of Special Inspector General of Police, Amravati conducted raid on 29/1/2022 and 30/1/2022. They have recovered Rs.9,20,000/- and six offences were registered on the basis of raid conducted by the Special Inspector General of Police, Amravati.

9. There is no dispute about the registration of six offences on the basis of raid conducted by the Special Inspector General of Police, Amravati and this shows that the applicant was not discharging duty properly. Hence, he is transferred on the ground mentioned in Section 22N of the Maharashtra Police Act. Impugned transfer order is legal and proper.

10. The Id. CPO has made statement that the respondent no.2 has issued charge sheet to the applicant and therefore the transfer cannot be said to be illegal. In view of Section 22N (1) & (2) of the Maharashtra Police Act, once the transfer is held to be legal and proper, it cannot be stayed. The relief prayed by the applicant to stay the transfer order and direct respondents / authority to allow to work at Wani Police Station as Police Inspector. The documents filed on record shows that respondent no.3 has taken charge. The applicant left Wani Police Station handing over charge to one Chatse and from whom respondent no.3 has taken charge as per charge list dated 10/3/2022. Therefore, both reliefs prayed in the application cannot be granted. Hence, interim relief as prayed is rejected.

11. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for respondent nos.1&2. Shri S.N. Gaikwad, Id. counsel waives notice for R-3.

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

S.O. after four weeks.

Steno copy is granted...

Member (J).

dnk.

O.A. 634/2021 (S.B.)

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

Dated : 21/03/2022.

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

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

Put up along with O.As. 555/2021 & 734/2021.

Member (J).

dnk.

O.A. 555/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri M.R. Patil, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&4 and Shri T.M. Zaheer, Id. counsel for R-2&3.

S.O. three weeks.

Put up along with other similar matters.

Member (J).

dnk.

O.A. 734/2021 (S.B.)

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

Dated : 21/03/2022.

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

S.O. three weeks.

Put up along with other similar matters.

Member (J).

dnk.

O.A. 763/2020 (S.B.)

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

Dated : 21/03/2022.

Heard Shri S.P. Palshikar, 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. It is taken on record. Copy is given to the applicant.

S.O. two weeks.

Member (J).

dnk.

O.A. 726/2017 (S.B.)

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

Dated : 21/03/2022.

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. R-1 to 3 and Shri A.S. Deshpande, Id. counsel for R-4.

2. The learned counsel for the applicant has pointed out proposal dated 3/1/2015 (A-16,P-53).

3. The Id. P.O. submits that as per the said proposal, the direction may be given.

4. In that view of the matter, the respondents are directed to act as per the proposal dated 3/1/2015 within a period of one month.

S.O. after four weeks (PH).

Steno copy is granted...

Member (J).

dnk.

O.A. 268/2018 (S.B.)

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

Dated : 21/03/2022.

Heard Shri A.H. Jamal, 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. two weeks.**

Member (J).

dnk.

O.A. 630/2020 (S.B.)

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

Dated : 21/03/2022.

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

Closed for orders.

Member (J).

dnk.

O.A. 149/2021 (S.B.)

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

Dated : 21/03/2022.

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

S.O. 4/4/2022.

Member (J).

dnk.

O.A. 664/2021 (S.B.)

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

Dated : 21/03/2022.

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

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

Member (J).

dnk.

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

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

Dated : 21/03/2022.

Heard Shri P.P. Khaparde, Id. counsel
for the applicants and Shri A.M. Khadatkhar, Id.
P.O. for the respondents.

S.O. Next week.

Member (J).

dnk.

O.A. 761/2020 with C.A. 210/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

S.O. 29/3/2022

Put up along with other similar matter.

Member (J).

dnk.

O.A. 762/2020 with C.A. 212/2021 (S.B.)

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

Dated : 21/03/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

S.O. 29/3/2022

Put up along with other similar matter.

Member (J).

dnk.

O.A. 437/2016 (S.B.)

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

Dated : 21/03/2022.

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

S.O. two weeks.

Member (J).

dnk.

O.A. 743/2018 (S.B.)

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

Dated : 21/03/2022.

Heard Shri S.N. Gaikwad, Id. counsel
for the applicants and Shri 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.

**

O.A.No.58/2014 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri P.P.Khaparde, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of R-4 to 8.

2. Issue fresh notice to Respondent nos. 4 to 8, 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:-21/03/2022.
aps.

Vice Chairman

O.A.No.561/2019 (D.B.)

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

Dated : 21/03/ 2022.

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

2. As submission made by Id. P.O., as per
documents at A-1, Pg. No. 19, application is invited
for community Health Services. Now the issue has
becomes infructuous. But since nobody for the
applicant, **S.O. Monday i.e. 28.03.2022.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.839/2019 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri A.Barahate holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri M.A.Sable, the Id. counsel for the R-3.

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

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

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

Dated : 21/03/ 2022.

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

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.164/2021 (D.B.)

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

Dated : 21/03/2022.

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

2. The Id. P.O. has filed reply on behalf of the R-
3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A.

3. 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.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.416/2021 (D.B.)

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

Dated : 21/03/ 2022.

C.A.No.160/2021:-

Heard Shri A.Barahate holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the R-3 to 9 (Intervenor).

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.417/2021 (D.B.)

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

Dated : 21/03/ 2022.

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

2. On 07.06.2021 in para no. 2 detailed order was passed which is reproduced below:-

"2. The applicant was promoted vide order dated 15.09.2020 (Annexure-A-1, P.B., Pg. No. 16) to the cadre of District Health Officer i.e. Civil Surgeon. The applicant was suffering from Covid-19 as per the application dated 20.09.2020 (Annexure-A-2, P.B., Pg. No. 26); the certificate is also attached on P.B., Pg. No. 27. Subsequently, applicant had submitted application dated 03.10.2020 (Annexure-A-4, P.B., Pg. No. 35) to Respondent no. 2 and pointed out that she is further suffering from Anaemia and due to that she is not able to join to the new posting. However, Respondents vide order dated 27.05.2021 (Annexure-A-5, P.B., Pg. NO. 37) were applicant is at Sr. No. 1 presumed that applicant had refused promotion. There is no document showing that applicant has refused promotion. However, it was because of poor health i.e. firstly because of Covid-19 and secondly because of Anaemia. So, at this stage

it is impossible for any employee to join the new posting."

3. As submitted by Id. counsel for the applicant, applicant was suffering from Anaemia as well as Covid-19. However, he was promoted but due to his health ground the order of promotion was stayed. Now, the Id. counsel for the applicant submits that applicant is fit to join his duty. The Id. P.O. desires time to take instructions, **S.O. one week.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.514/2021 (D.B.)

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

Dated : 21/03/ 2022.

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

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.822/2021 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri S.Taram holding for Shri R.D.Karode, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the R-
4. It is taken on record. Copy is served to the other side.

3. S.O. one week for filing reply of other respondents, **S.O. one week.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.983/2021 (D.B.)

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

Dated : 21/03/ 2022.

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

2. **S.O. four weeks to file reply.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.62/2022 (D.B.)

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

Dated : 21/03/ 2022.

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

2. The matter was heard on 28.02.2022 and in para no. 2 following observations was made:-

"2. By record it appears that chargesheet was served to the applicant on 29.07.2013 i.e. more than 8 years has been elapsed. Applicant stood retired on 03.06.2017 and because of non completion of D.E., he is denied all the pensionary benefits. The Id. P.O. desires further time to file reply of respondent nos. 1 & 2. Considering the applicant's retiral position and date of chargesheet and guidelines by Hon'ble Apex Court in this regard, the Id. P.O. is granted only three weeks time as a last chance. If he will not file reply, matter will be decided on merit."

3. Today, the Id. P.O. has not filed reply. Since the matter pertains to D.E. of 29.07.2013 and applicant stood retired on 30.07.2017. In the interest of justice to the retired employee, the Id. P.O. is granted one week time to file reply and take instructions otherwise matter will be decided on merit.

4. S.O. 25.03.2022.

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.St.No.276/2022 (D.B.)

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

Dated : 21/03/ 2022.

C.A.No.44/2022:-

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

2. The Id. counsel for the applicant has not mentioned in C.A.; number of days of delay. However, as per his submission, there is a delay of 598 days. Considering all the aspects, **the delay is condoned and C.A. is allowed and disposed of.**

O.A.St.No.276/2022:-

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

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

3. 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.

4. 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.

5. 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.

6. 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.

7. **S.O. four weeks.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.709/2018 (D.B.)

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

Dated : 21/03/ 2022.

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

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.400/2020 (D.B.)

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

Dated : 21/03/ 2022.

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

2. The Id. counsel for the applicant submits that similar matters are pending before Hon'ble High Court, Bench at Aurangabad and that is going to be listed on 07.04.2022. Hence, **S.O. 12.04.2022.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.454/2020 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri V.G.Bhamburkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that today only he has received reply of respondent nos. 1 to 3 and he desires to file Rejoinder, **S.O. next week.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.524/2020 (D.B.)

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

Dated : 21/03/2022.

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

2. **S.O. four weeks to file reply.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.201/2021 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri D.A.Sonwane, the Id. Counsel for the applicant and Shri A.P.Potnis, 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:-21/03/2022.
aps.

Vice Chairman

O.A.Nos.138,590&591/2019 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri P.A.Jibhkate in O.A.No.138/2019.
None for applicant in O.A.Nos. 590 & 591/2019. Shri
H.K.Pande, the Id. P.O. for the respondents. None for
the R-4 & 5 in O.A. No. 138/2019. Shri M.A.Sable, the
Id. counsel for the R-4 in O.A. No. 590/2019. None
for the respondent no. 3 in O.A. No. 591/2019.

2. At the request of Id. P.O., all the matters
pertains to extension of retirement age. Hence, **S.O.**
Thursday i.e. 24.03.2022.

3. **As requested by Id. P.O., put up this
matter along with O.A. No. 839/2019.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.159/2013 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. 23.03.2022.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.150/2019 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. tomorrow i.e. 22.03.2022.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.143/2020 (D.B.)

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

Dated : 21/03/ 2022.

None for the applicant. Shri A.P.Potnis, the
Id. P.O. for the Respondents.

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.500/2015 (D.B.)

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

Dated : 21/03/ 2022.

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

2. As submitted by Id. counsel for the applicant instructions was issued by this Tribunal on 22.01.2019 to take necessary instructions from Divisional Commissioner, Nagpur within four weeks. Till now instructions are awaited. The Id. P.O. is directed to take instructions within one week, **S.O. 28.03.2022.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.114/2020withC.A.No.95/2022 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri P.A.Kadu, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the Respondents and Shri S.M.Pande, the Id. counsel for the R-3. None for the R-4 and Intervenors.

2. The Id. counsel for the applicant has filed **Civil Application No. 95/2022 for amendment is allowed and disposed of.** However, Id. P.O. submits that he is not required to file reply on amended part.

3. **S.O. 28.03.2022.**

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

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.46/2021 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri P.V.Washimkar, the applicant in person and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The matter was first heard by another D.B. (Coram of Hon'ble Shri Shree Bhagwan and Hon'ble Shri Justice M.G.Giratkar) and it was closed for orders. However, it was found that paging of the said matter was not properly done by the applicant in person. Hence, applicant in person was directed to correct the paging of the complete Original Application. Today, applicant has corrected the paging and matter was come up before another D.B. (Coram of Hon'ble Shri Shree Bhagwan and Hon'ble Shri M.A.Lovekar)

3. Since, the matter was fully heard by the previous bench i.e. Coram of Hon'ble Shri Shree Bhagwan and Hon'ble Shri Justice M.G.Giratkar. It will be better to place the matter before the same bench to give proper justice to the applicant.

4. **S.O. tomorrow i.e. 22.03.2022 (after completion of D.B. & S.B.).**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.321/2022 (D.B.)

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

Dated : 21/03/ 2022.

C.A.No.120/2022:-

Heard Shri D.R.I.Patil, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. **C.A.No.120/2022 for Jt. O.A. is allowed and disposed of.**

3. However, there is no recovery order but the Id. counsel for the applicant apprehend that the order dated 08.02.2021 (Pg. No. 176) if it is not maintained it will affect the pensionary benefits of the applicant. Hence, **order dated 20.01.2022 (Pg. No. 210, A-14) issued by Deputy Superintendent Engineer, Goshikurd Irrigation Circle, Bhandara is stayed till filing of the reply.**

4. The Id. counsel for the applicant further submits that he is desires to amend the prayer clause 9 (B) on page no. 20. He is permitted to do so forthwith.

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:-21/03/2022.
aps.

Vice Chairman

O.A.No.322/2022 (D.B.)

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

Dated : 21/03/2022.

C.A.No.121/2022:-

Heard Shri D.R.I.Patil, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. C.A.No.121/2022 for Jt. O.A. is allowed and disposed of.

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:-21/03/2022.
aps.

Vice Chairman

O.A.No.772/2019 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri H.G.Lacharwar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed documents by Assistant Commandant, S.R.P.F. Batalian-II, Batch No. 15, Birsia Camp, Gondia. It is taken on record. Copy is supplied to the other side.

3. The Id. counsel for the applicant has placed pay-slip of the applicant. It is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side. In this pay-slip, D.O.B. is mentioned as 2010 and this document is related to Sevarth. So all the details of 'sevarth' is also mentioned. It is the salary slip of 2019. The Id. counsel for the applicant has also placed various Judgments which are also taken on record.

4. On page no. 222, para no. 2(c)(I) is reproduced below:-

"eG f'kQkjI ; knhuq kj , dkp rpdMhr fuoM gknu FkV Hkjrh) kjs fu; Qr >kyV; k o fofgr emrhr : tq >kyV; k 0; Drhpok vki ki l krhy T; sBrpk dkelad gk vk; kskusok fuoM eMGkus fnyV; k eG f'kQkjI ; knhrhy delduq kj %vupdelkuq kj ½ fu/Mzjr dsk tibý"

5. Hence, **closed for orders.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

C.P.No.09/2021inO.A.No.485/2018 (D.B.)

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

Dated : 21/03/2022.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. has placed order dated 27.10.2021 by Government Animal Husbandry Department by which applicant has been awarded punishment in the last page of the G.R.. However, the Id. counsel for the submits that as per the order of this Tribunal on page no. 9 of the contempt petition it was dated 11.12.2019 and respondents were directed to complete the enquiry within a period of six months from the date of this order. The Id. P.O. however submits that they have asked for the extension and extension was granted by this Tribunal for completion of enquiry.

3. In view of this, Id. P.O. is granted two weeks time to produce the extension order on record. **S.O. two weeks.**

4. **Put up this matter along with C.P. No. 10/2021 in O.A. No. 530/2018.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

C.P.No.10/2021inO.A.No.530/2018 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. **S.O. two weeks.**

3. **Put up this matter along with C.P. No. 09/2021 in O.A. No. 485/2018.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.309/2022 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri A.B.Moon, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has also filed order of this Tribunal dated 12.11.2021 in O.A. No. 1017/2021 which is taken on record. Copy is served to the other side. He is relied on this Judgment.

3. In response to advertisement dated 30.11.2019, applicant has applied for the post of Police Constable (Driver) for Commissioner of Police, Nagpur City (A-2, Pg. Nos. 31 & 32). Subsequently, applicant has also applied for District Police Constable (Driver) post for Superintendent of Police, Nagpur Rural as per document on page nos. 33 & 34. The main contention of the applicant is due to para no. 11.10 of the advertisement on page no. 16 which is reproduced below:-

*menokjld ¼1¼ftYgk i lsyhl nykrthy i lsyhl vk; Pr@i lsyhl
vf/k{kd ; kb; k vklFkki usjhy i lsyhl f'ki kbZ pkyd] ¼2¼
ykgexZ i lsyhl nykrthy i lsyhl f'ki kbZ pkyd o ¼3¼ jkT;
jk[kho i lsyhl cykrthy I 'kL= i lsyhl f'ki kbZ i nkl kbh , d v'kk
, duk i nkl kbh rhu vkonu vtZl knj djrk ; rthy ¼efgyk
menokjauk jkT; jk[kho i lsyhl cykrthy I 'kL= i lsyhl f'ki kbZ
i nkl kbh vkonu vtZl knj djrk ; skkj ukgh¼*

3. The Id. counsel for the applicant has also pointed out the document by Additional D.G. (Training and Special Cell) M.S., Mumbai dated 01.10.2021 (A-7, Pg. No. 40) in which para no. 11.10 has been further explained and in one line just above last 2 para it is written as :-

“ , dklp i nkl k Bh fofo/k i kyhl ?kVdkt vkonu vtZl knj djrk ; skj ukghr-”

4. *Prima facie*, these instructions are conflicting that the instructions published in advertisement and in para no. 11.10.

5. In view of this situation, **respondents are directed that while issuing appointment order one post should be keep vacant till these doubts are clear.** The respondents are further directed to make specific clarification regarding para no. 11.10 of advertisement dated 30.11.2019 and clarification given in letter dated 01.10.2021 regarding point no. 11.10.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

12. **S.O. four weeks.**

13. **Steno copy is granted.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

O.A.No.310/2022 (D.B.)

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

Dated : 21/03/ 2022.

Heard Shri A.B.Moon, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The matter pertains to appointment of Police Constable. There is one advertisement dated 03.09.2019 (A-1, Pg. No. 15) by Government of Maharashtra and other advertisement is on page no. 30 by Police Commissioner, Nagpur City dated 22.08.2019 and in the said advertisement vacancy shown in District Police Constable, Jail department Police Constable. There is no vacancy shown in case of Commissioner of Police jurisdiction. It is not understand that when there is no vacancy in Police Commissioner's Nagpur jurisdiction why advertisement was published because District Police has a separate unit as per their own document and appointing authority in District Police is Superintendent of Police and in Jail department again S.P. Jail Department. Then what was the reason that Police Commissioner Nagpur has published the advertisement?

3. The Id. counsel for the applicant further submits that cut off marks for open female is 63 and applicant has scored 75 marks. However, he has not filed the mark list of all the candidates showing name, category and marks obtained by the

candidates. In this situation, it is difficult to understand that whether applicant stand meritorious then the other candidates. The Id. counsel for the applicant is directed to produce all the records. Meanwhile, **if any further orders are made those orders will be subject to outcome of the O.A..**

4. The Id. counsel for the applicant is also relied on judgment of this Tribunal dated 12.11.2021 in O.A. No. 1012/2021. He has mainly relied on para no. 3 of the order which is reproduced below:-

"3. The Id. counsel for the applicant submits that applicant has scored 74 marks (A-3, Pg. No. 36). The Id. counsel for the applicant submits that cut off marks for open is 63. These facts clarified that applicant has scored higher marks then cut off marks in Open Category. In these situations, as per settled principles; applicant must be considered in open category. The grievance of the applicant is that applicant has not been called for physical test to be conducted on 15.11.2021; respondents are directed to include the applicant for physical test and further test if applicant is eligible otherwise in all the tests. Then one post be kept vacant till outcome of the O.A.."

5. The Id. counsel for the applicant should understand that in that case merit list have been filed because in the order sheet marks obtained by

the applicant and marks obtained by the open candidates are mentioned and by virtue of that it has

been declared that applicant has been more meritorious than open candidates. The Id. counsel for the applicant submits that he will file merit list including the name, category and marks obtained by tomorrow only.

6. In view of this situation, **S.O. tomorrow i.e. 22.03.2022. Meanwhile, the Id. P.O. is directed to take necessary instructions on tomorrow.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

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

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

Dated : 21/03/ 2022.

Heard Shri A.Z.Jibhkate, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents. None for the respondent no. 4.

2. There is a dispute about D.O.B. of the applicant. There are two documents one filed by Id. C.P.O. which is on page nos. 55 and 56. On page no. 56 in para 2, it is mentioned that applicant's D.O.B. is 05.12.1955 and date of superannuation is 31.12.2013.

3. As pointed out by Id. counsel for the applicant in the order sheet dated 01.09.2015, communication dated 30.07.2015 address to the C.P.O. by Deputy Director, Health Services, Akola. As per that order applicant's attend the age of superannuation on 31.12.2013 later on her date of superannuation is mentioned as 31.12.2020. To avoid all the confusion; Id. counsel for the applicant is directed to file service book of the applicant so that real D.O.B. of the applicant will be ascertain.

4. **S.O. next week.**

Member(J)
Date:-21/03/2022.
aps.

Vice Chairman

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

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

Dated : 21/03/2022.

Heard Shri G.G.Bade, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel for the respondent nos. 2 to 5.

2. In earlier round of litigation; O.A. No. 281/2015 was heard and order was passed by this Tribunal on 10.03.2017. The matter went to Hon'ble High Court and Hon'ble High Court in W.P. No. 7185/2017 passed order on 31.01.2018 and in para no. 6 it is mentioned that applicant's application for appearing in the examination dated 18.10.2014 was correct or not this was to be verified by the Tribunal. We have perused the documents, as per page no. 27 it appears that applicant has made an application on 18.10.2014 for appearing in 2014 examination and same was forwarded by Assistant Superintending Engineer, Chandrapur Irrigation Department by his letter dated 29.09.2014.

3. As per documents on page no. 151 to Chandrapur Medium Project, Chandrapur. The same was forwarded again on 18.10.2014 to same authority. By record on page no. 153, it appears that Deputy Executive Engineer, Chandrapur Medium Project has written to Superintending Engineer, Chandrapur vide correspondence dated 28.10.2014 that application of Shri Asim Vasant Puram Assistant

Higher Grade-II application was received while reference no. 2. Reference no. 2 is letter recommended by Assistant Engineer, Icchampalli, Sub Division, Chandrapur which is on page no. 152. Means application of applicant was with concerned authority on 28.10.2014. Again by document on page no. 154, it appears that Assistant Superintending Engineer, Chandrapur has forwarded the application of applicant to Chief Engineer Training, Maharashtra Engineering Training Institution by letter dated 11.11.2014. So, applicant's application for appearing in 2014 examination has reached upto Chief Engineer as per documents on page no. 154, letter dated 11.11.2014. Now, further stage is whether Admit-Card was issued to the applicant or not before examination that was to be ascertain.

4. The Id. counsel for the respondent nos. 2 to 5 are directed to pertains whether department produce Admit-Card before examination and also attendance sheet of examination hall showing that applicant was present before examination or not? The Id. counsel for the applicant is at liberty to make party to the Chief Engineer who had received the application finally as per correspondence dated 11.11.2014 by Assistant Superintendent Engineer Chandrapur Irrigation Department, Chandrapur.

5. Office is directed to issue notice to the newly added respondent after incorporation by Id. counsel for the applicant, 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)

Vice Chairman

Date:-21/03/2022.

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