

O.A. 13/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Shri R.M. Fating, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 5/2/2021.**

Vice-Chairman

dnk.

O.A. 210/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Shri R.V. Shiralkar, Id .counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri N.S. Khandewale, Id. counsel for R-3.

At the request of learned counsel for the applicant, **S.O. 8/2/2021.**

Vice-Chairman

dnk.

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

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

S.O. four weeks for filing reply.

Vice-Chairman

dnk.

O.A. 790/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri V.B. Gawali, Id .counsel for R-4.

At the request of Id. counsel for the applicant, **S.O. 4/2/2021.**

Vice-Chairman

dnk.

O.A. 874/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Shri T.U. Tathod, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 2/2/2021.**

Vice-Chairman

dnk.

O.A. 762/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

2. The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The Id. P.O. submitted that it is sufficient to decide the O.A.

3. The O.A. is admitted and it be kept for final hearing.

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

S.O. in due course.

Vice-Chairman

dnk.

Rev. A. 34/2019 in O.A. 995/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

S.O. four weeks for filing reply.

Vice-Chairman

dnk.

O.A. 892/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Heard Shri V. Mahant, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. submitted that he has received parawise reply and he will file reply within two weeks.

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

Vice-Chairman

dnk.

Rev. A. 15/2020 in O.A. 544/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. files reply on behalf of R-2 on Review application. It is taken on record. Copy is served on the applicant.

3. The review application is admitted and it be kept for final hearing.

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

S.O. 2/2/2021.

Vice-Chairman

dnk.

O.A. 164/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Heard Shri V.A. Kothale, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. submitted that he has received parawise comments and he will file reply before next date.

3. At the request of Id. P.O., **S.O. 8/2/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 249/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

2. Vide order dated 28/9/2020 the respondents were directed to pay provisional pension as per rules. Today, the learned P.O. submits that pension papers were sent to A.G. Office, but since there was a break in service, so the A.G. Office returned it to re-calculate the provisional pension. The matter has been sent to SDO.

3. The learned P.O. desires two weeks time to file reply. At his request, **S.O. two weeks.**

Vice-Chairman

dnk.

O.A. 869/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

2. The learned counsel for the applicant submits that on the last occasion the Id. P.O. Shri P.N. Warjurkar was appeared in this matter and the O.A. can be decided even without filing reply. In this situation, the matter be heard finally on 29/1/2021.

S.O. 29/1/2021.

Vice-Chairman

dnk.

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

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

C.A. No. 337/2020 -

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

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 892/2020 -

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

2. The learned counsel for the applicants is relying on G.R. dated 6/8/2020 (A-1,P-53). As on today, the applicants are aggrieved with the letter dated 18/11/2020 (A-12,P-97) written by the Joint Director of Accounts and Treasuries, Nagpur. The learned P.O. desires two weeks time to file reply. Since the applicants are still working in naxalite and tribal areas and fulfilling the conditions of Govt. G.R. dated 6/8/2020

(A-1,P-53) and as interim relief sought by the applicants, it is considered and letter dated 18/11/2020 (A-12,P-97) is stayed till filing of reply.

3. The respondent no.7 is directed to immediately clear pay bills of applicants as submitted by the Department.

S.O. after three weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 702/2016 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Shri B. Kulkarni, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. Next week.**

Vice-Chairman

dnk.

O.A. 207/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. In this O.A. the applicant was granted first time bound promotion after 12 years service as per letter dated 29/6/1996 (A-4,P-20) and now the same benefit has been cancelled vide letter dated 20/10/2016 (A-1,P-12) issued by the Commissioner, Skill Development and Entrepreneurship Department, Mumbai. In the said letter it is mentioned that since the applicant's category of S.T. certificate was declared invalid by the Caste Scrutiny Committee that's why ACP was cancelled. This is legally correct letter, hence this Bench does not want to interfere with this letter dated 20/10/2016 (A-1,P-12).

3. The learned counsel for the applicant is at liberty to file separate O.A. if the applicant is aggrieved by any kind of recovery contrary to existing Govt. G.Rs. and policy.

4. In view thereof, the O.A. stands dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 208/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. In this O.A. the applicant was granted first time bound promotion after 12 years service as per letter dated 24/2/1999 (A-4,P-21) and now the same benefit has been cancelled vide letter dated 20/10/2016 (A-1,P-11) issued by the Commissioner, Skill Development and Entrepreneurship Department, Mumbai. In the said letter it is mentioned that since the applicant's category of S.T. certificate was declared invalid by the Caste Scrutiny Committee that's why ACP was cancelled. This is legally correct letter, hence this Bench does not want to interfere with this letter dated 20/10/2016 (A-1,P-11).

3. The learned counsel for the applicant is at liberty to file separate O.A. if the applicant is aggrieved by any kind of recovery contrary to existing Govt. G.Rs. and policy.

4. In view thereof, the O.A. stands dismissed. No order as to costs.

Vice-Chairman

dnk.

O.As. 592/2019 & 630/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

None for the applicants. Shri M.I. Khan,
Id. P.O. for the respondents.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 61/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

2. The learned counsel for the applicant has filed letter issued by Deputy Executive Engineer, Amravati Medium Project Division, Amravati dated 5/12/2019 (A-4,P-23) by which recovery from the applicant has been affected. The last para of the said letter at page no.24 is as under –

^ I mfHKz i = dz9 uq kj Jh-fo-j- l kulj] LFk-v-l gk- ; kpcdMsosru o HRRR; kph jDde #-46]816@& o l okfuorRrh minku #i ; s6]697@& v'kh , dqk #i ; s 53]513@& vfrinku >kyyh vkgs o r l p vakjk' khdj .kph jDde #i ; s9]443@& v'kh , dqk vfrinku jDde #i ; s63]956@& ph ol gyh Jh-fo-j- l kulj] LFk-v-l gk- l sfu- ; kps l okfuorRrh orukru vki yslRjkj dj . ; kr ; koh gh fourh**

3. In the interest of justice, the order dated 5/12/2019 (A-4,P-23) is stayed till filing of the reply by the respondents.

4. The learned P.O. pointed out relief Clause nos.9.1, 9.2 & 9.3 (P-10 &11) from which the prayer clauses are not cleared about the applicant's grievances.

5. In view of this, the learned counsel for the applicant is directed to amend the O.A. to the extent of prayer clause no..9 and especially mention what kind of relief is required.

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

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 209/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

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

2. The learned counsel for the applicant submits that in this O.A. the applicant is Clerk-cum-Typist and his caste certificate of S.T. category was declared invalid by the Caste Scrutiny Committee.

3. The respondents have filed their reply on 29/7/2017 (P-48) and in para-2 following clarifications have been given by the respondents which is reproduced below –

“It is true that the Respondent No.2 has issued order 20.10.2016 and it is also true that by this order the applicant's 1st Time Bound Promotion benefit given from 07.05.1998 was cancelled as per the government (i.e. Respondent No.1) letter dt. 13.08.2015 and letter No. Est-2014/p.k 215/Adm-2 and dt. 5.6.2016. It denied that there is no relation of caste claim with 12 years continuous service criterion while considering Time Bound Promotion cases. As the Applicant's ST caste claim was

invalidated by The Schedule Tribes Caste Scrutiny Committee, Nagpur vide its order No. 41/31/47/91/2013 dt. 16.11.2013 , the Respondent No.2, thereon proceeded with further action as per the GR dt.30.06.2004 and therefore, the applicant's service was protected and awarded with seniority date i.e.15.06.1995. Therefore, the order, dt.20.10.2016, issued by the Respondent No.2 is legal according to established policy and procedure of the government and as per the government's letters dt. 13.08.2015 and 05.07.2016, Caste Scrutiny Committee order dt. 06.11.2013, GR. Dt. 30.06.2004.”

4. However, the learned counsel for the applicant submits that there has been recovery against the applicant and there is a Govt. G.R. in which it is directed that previously paid amount should not be recovered with immediate effect.

5. In view of this, the learned counsel for the applicant is at liberty to file separate O.A. to challenge the recovery against the applicant regarding time bound promotion.

6. In view thereof, the O.A. stands dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 678/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 25/01/2021.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As per the direction in order dated 18/01/2021 the learned counsel for the applicant has filed Purnis dated 21/1/2021. Along with the Purnis, he has attached the Government Gazette Notification about the change of applicant's name which is at page no.35 of annexure to the Purnis. The applicant's name was changed from Ku. Baby M. Mendhekar to Smt Mamta Manohar Kale. So doubt about the name has been verified by the learned counsel for the applicant. When the applicant was promoted, she submitted application dated 12/12/1995 (P-23) in which she had mentioned two reasons (1) personal family problem and (2) being handicapped candidate and the applicant also requested for posting at Nagpur. If the posting would have been given at Nagpur, she could have managed the job even being a handicapped candidate. This letter should not be interpreted squarely as refusal to the promotion. Since, the applicant was appointed in

handicapped quota, she should be first treated as handicapped candidate and her application dated 12/12/1995 should be only treated as from a handicapped candidate.

3. As per the record, the applicant was appointed vide letter dated 22/9/1980 (A-1,P-10) on the post of Record Clerk in the capacity of physically handicapped candidate. So the applicant being a handicapped, was the prime reason for providing job to the applicant. On the same line by giving promotion also, she should have been treated as a handicapped candidate and her both the services should have been considered according to the benefits granted to the handicapped candidate. As pointed out by the learned counsel for the applicant in his O.A. para-7, the facts of the case that at page no.3 the applicant was appointed on 22/9/1980 and completed 12 years of service on 22/9/1992. However, first time bound promotion scale become due to the applicant on 1/10/1994 after issuance of G.R. dated 8/6/1995 which was given effect from 1994. So the applicant become entitled for first time bound promotion scale from 1/10/1994.

4. The learned P.O. submitted that it might be the case that the Department was not having any vacancy to adjust a candidate at Nagpur, but that has not been substantiated by any evidence by the Department in its reply.

5. In view of this situation, following order –
- (i) The respondents are directed to grant first time bound promotion to the applicant from 1/10/1994 considering her as handicapped candidate and after granting time bound promotion, all the consequential and financial benefits including promotional benefits should be calculated and paid to the candidate.
 - (ii) The above order be complied within 90 days from the date of this order.
 - (iii). With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

C.P.No.41/2019inO.A.No.288/2007 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

Heard Smt.A.A.Joshi, 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 respondent nos. 2, 3, 4 & 5. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the Original Application.

3. Order of Tribunal was passed on 18.12.2008 and applicant has approached with Contempt Petition on 13.09.2019 i.e. almost after 11 years. The Id. counsel for the applicant is directed to file condonation of delay application. Then the Contempt Petition will be heard.

4. **S.O. three weeks.**

Vice Chairman

Date:-25/01/2021.

aps.

O.A.No.756/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

Heard Shri A.P.Sadavarte, 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 nos. 2 & 3. It is taken on record. Copy is served to the other side. However, the Id. counsel for the applicant submits that reply of respondent no. 4 is necessary.

3. The Id. P.O. seeks time to file reply of respondent no. 4, **S.O. four weeks.**

Vice Chairman

Date:-25/01/2021.
aps.

**O.A.Nos.822,823,824,825,826,827&828/2019
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.**

Heard Shri V.Anand, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he will file the reply on behalf of the respondents during the course of the day. He further submits that he will serve the copy to the other side.

3. Hence, the matter 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 may file Rejoinder, if so desires.*

Vice Chairman

Date:-25/01/2021.
aps.

O.A.No.75/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

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

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

Vice Chairman

Date:-25/01/2021.
aps.

O.A.St.No.2649/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

C.A.No.493/2019:-

Heard Shri V.A.Kothale, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. **Closed for orders.**

Vice Chairman

Date:-25/01/2021.
aps.

O.A.No.356/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

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

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

3. Hence, the matter is **admitted** and kept for final hearing.

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

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

Vice Chairman

Date:-25/01/2021.
aps.

O.A.Nos.554&555/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

Heard Shri S.M.Vaishnav, 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.**

Vice Chairman

Date:-25/01/2021.
aps.

O.A.No.631/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

Heard Shri A.V.Muley, 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. four weeks to file reply.**

Vice Chairman

Date:-25/01/2021.
aps.

C.P.No.48/2020inO.A.No.15/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

C.A.No.24/2021:-

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

2. **C.A. No. 24/2021 for amendment is allowed.** The amendment has been earlier carried out by the Id. counsel for the applicant. He is further directed to supply the copy of the same to the Id. P.O.. Issue notices to the newly added respondents.

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

Vice Chairman

Date:-25/01/2021.
aps.

O.A.No.57/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

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

2. It is contention of the applicant that he is in service since long and thereafter G.R. dated 21/12/2019 is issued by the Government and in pursuance of the G.R., the respondent no. 1 has passed the order dated 07/08/2020 giving appointment to the applicant only for a period of 11 months. It is submitted that in similar matters interim relief is granted to the applicants. In view of the facts on the ground of parity the interim stay is granted to the order dated 07/08/2020 till filing of the reply.

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.**

Vice Chairman

Date:-25/01/2021.

aps.

O.A.No.58/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

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

2. It is contention of the applicant that he is in service since long and thereafter G.R. dated 21/12/2019 is issued by the Government and in pursuance of the G.R., the respondent no.1 has passed the order dated 16/10/2020 giving appointment to the applicant only for a period of 11 months. It is submitted that in similar matters interim relief is granted to the applicants. In view of the facts on the ground of parity the interim stay is granted to the order dated 16/10/2020 till filing of the reply.

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.**

Vice Chairman

Date:-25/01/2021.

aps.

O.A.No.864/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/01/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri B.Kulkarni, the Id. counsel for the respondent no. 2.

2. The Id. counsel for the applicant has filed documents which is Judgment of Hon'ble Apex Court. It is taken on record. Copy is marked Exh. 'X' for the purpose of identification.

3. The Id. counsel for the respondent no. 2 pointed out that document filed by Id. counsel for the applicant on P.B., Pg. No. 39 (Annexure-A-5) where respondent no. 2 is at Sr. No. 1 and applicant is at Sr. No. 4. If relief is granted to the applicant there will be great injustice to the candidates at Sr. Nos. 2 & 3. So they should be also heard before deciding the grievances of the applicant. The Id. counsel for the applicant is directed to make them party by amending the Original Application. The Id. counsel for the respondent no. 2 is also pointed out that to make respective Secretary of the department as a respondent by amending the O.A.. The Id. counsel for the applicant is further directed to supply the copy of the above amendments to the Id. counsel for the respondent no. 2 and Id. P.O. too.

4. S.O. after four weeks.

Date:-25/01/2021.
aps.

Vice Chairman