

O.A. 754/2018 (S.B.)

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

Dated : 08/02/2022.

None for the applicant. 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. 136/2020 (S.B.)

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

Dated : 08/02/2022.

Shri S.U. Ghude, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 489/2020 (S.B.)

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

Dated : 08/02/2022.

Shri N.D. Thombre, Id. counsel for the applicant and Shri V.A. Kulkarni, 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. 787/2020 (S.B.)

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

Dated : 08/02/2022.

C.A. 298/2021 -

None for the applicants. Heard Shri 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. 901/2020 (S.B.)

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

Dated : 08/02/2022.

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

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

The matter is admitted and kept for final hearing.

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

The applicant is at liberty to file rejoinder, if any.

S.O. in due course.

Member (J).

dnk.

O.A. 937/2020 (S.B.)

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

Dated : 08/02/2022.

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

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

Member (J).

dnk.

O.A. 977/2020 (S.B.)

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

Dated : 08/02/2022.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for R-1.

Await service of R-2 to 6.

The applicant to remove office objection.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 06/2021 (S.B.)

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

Dated : 08/02/2022.

None for the applicnat. Shri A.P. Potnis,
Id. P.O. for the State.

Counsel for the applicant has not
collected hamdast for R-2 to 4.

S.O. four weeks.

Member (J).

dnk.

O.A. 105/2021 (S.B.)

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

Dated : 08/02/2022.

None for the applicant. Shri 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. 195/2021 (S.B.)

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

Dated : 08/02/2022.

Shri M.K. Mishra, Id. counsel for the applicant and Shri V.A. Kulkarni, 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. 196/2021 (S.B.)

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

Dated : 08/02/2022.

Shri M.K. Mishra, 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** for filing reply.

Member (J).

dnk.

O.A. 279/2021 (S.B.)

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

Dated : 08/02/2022.

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

Await service of R-2 to 4.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 559/2021 (S.B.)

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

Dated : 08/02/2022.

C.A. 394/2021 -

Heard Shri Y.Y. Humne, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Notice on civil application be issued to the respondents returnable in **three weeks**.

3. The learned P.O. waives notice for respondent State. Hamdast granted.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of the O.A.

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

S.O. three weeks.

Member (J).

dnk.

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

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

Dated : 08/02/2022.

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

The applicant to remove office objection.

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

Member (J).

dnk.

O.A. 845/2021 (S.B.)

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

Dated : 08/02/2022.

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

The applicant to remove office objection.

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

Member (J).

dnk.

O.A. 856/2021 (S.B.)

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

Dated : 08/02/2022.

None for the applicant. Shri A.P. Potnis,
Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. three weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 891/2021 (S.B.)

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

Dated : 08/02/2022.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for R-1 and Shri Shaikh Majid, Id. counsel for R-2&3.

Shri Shaikh Majid, Id. counsel files reply of R-2&3. It is taken on record. Copies are served to the other side.

It is submitted 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 R-1.

S.O. 17/2/2022.

Member (J).

dnk.

O.A. 1016/2021 (S.B.)

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

Dated : 08/02/2022.

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

The applicant to remove office objections.

S.O. four weeks.

Member (J).

dnk.

O.A. 1053/2021 (S.B.)

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

Dated : 08/02/2022.

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

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

The matter is admitted and kept for final hearing.

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

S.O. 16/2/2022.

Member (J).

dnk.

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

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

Dated : 08/02/2022.

None for the applicant. Shri S.A. Deo, Id.
CPO for R-1.

Await service of R-2 to 7.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

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

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

Dated : 08/02/2022.

None for the applicant. Shri S.A. Deo, Id.
CPO for R-1.

Await service of R-2 to 7.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 1161/2021 (S.B.)

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

Dated : 08/02/2022.

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

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

Member (J).

dnk.

O.A. 1162/2021 (S.B.)

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

Dated : 08/02/2022.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 09/2022 (S.B.)

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

Dated : 08/02/2022.

None for the applicant. Shri A.M.
Khadatkar, Id. P.O. for R-1.

Await service of R-2.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 34/2019 (S.B.)

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

Dated : 08/02/2022.

Heard Shri G.G. Bade, Id .counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 4.

The prayer in the present O.A. shows that the applicant is claiming time bound promotion.

Hence, put up the matter before Division Bench.

Member (J).

dnk.

O.A. 489/2021 (S.B.)

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

Dated : 08/02/2022.

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

The reply is already filed on record.

The matter is admitted and kept for final hearing.

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

S.O. one week.

Member (J).

dnk.

O.A. 66/2022 (S.B.)

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

Dated : 08/02/2022.

C.A. No.52/2022

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

2. The learned counsel for the applicant has filed C.A. for amendment.

3. The Id. P.O. has no objection to carry out the amendment.

4. In view of thereof, the C.A. for amendment is allowed. The necessary amendment be carried out within one week and amended copy be supplied to the other side.

O.A. 66/2022 -

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

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

S.O. 16/2/2022.

Member (J).

dnk.

O.A. 142/2022 (S.B.)

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

Dated : 08/02/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

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

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

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

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

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

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

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

S.O. after four weeks.

Member (J).

dnk.

O.A. 1160/2021 (S.B.)

(S.A. Parve Patil Vs. State of Mah. & Ors.)

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

Dated : 08/02/2022.

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

2. The learned counsel for the applicant has pointed out the suspension order dated 11/8/2017 and the order dated 22/2/2021 by which the inquiry officer was appointed. He has pointed out the last order dated 17/12/2021 by which the inquiry against the applicant is dropped.

3. The learned counsel for the applicant has relied on the Judgment of Hon'ble Supreme Court in case of **Ajay Kumar Choudhari Vs. Union of India through its Secretary and Ano.**, and submitted that continuation of suspension of the applicant is liable to be quashed and set aside.

4. Heard Shri H.K. Pande, Id. P.O. for the respondents. It is clear from the order passed by the respondents on 11/8/2017 that the applicant was kept under suspension and after four years the Inquiry Officer was appointed. But lastly on 17/12/2021, the respondents have

dropped the departmental inquiry against the applicant.

5. In view of the Judgment of Hon'ble Supreme Court in case of **Ajay Kumar Choudhari Vs. Union of India through its Secretary and Ano.**, the employee cannot be suspended for a long period.

6. Looking to the submission and documents filed on record, I pass the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The impugned order of suspension dated 11/8/2017 is hereby quashed and set aside.
- (iii) The respondents are directed to reinstate the applicant as per the rules within a period of two months from the date of receipt of this order.
- (iv) No order as to costs.

Steno copy is granted.

Member (J).

**dnk.

O.A.No.785/2014 (D.B.)

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

Dated : 08/02/ 2022.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents. None for the R-4, 5 to 7, 10, 11, 12, 15, 16, 18, 22, 23, 25, 27, 28, 29, 34 to 36, 41, 43, 45 & 46.

2. The order passed by this Tribunal on O.A. No. 785/2014 with C.A. No. 07/2016 on 13.02.2017 was challenged before Hon'ble High Court in W.P. No. 2903/2017 and order was passed on 06.02.2020 and in para no. 5 of the Judgment. It is mentioned that:-

"Ends of justice would be met if all these parties are heard since the grievance of the original applicant would be affecting these petitioners."

3. Office is directed to issue fresh notice to the newly added 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:-08/02/2022.
aps.

Vice Chairman

O.A.No.602/2019 (D.B.)

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

Dated : 08/02/ 2022.

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

2. As submission made by Id. P.O. that reply of R-3 has been already filed and he has also get the instructions from the respondent no. 2 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. last week of March, 2022.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.488/2020 (D.B.)

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

Dated : 08/02/ 2022.

Heard Shri S.U.Ghude, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri A.M.Kolhe, the Id. counsel for the R-2 to 4.

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. At the request of Id. counsel for the R-2 to 4,
S.O. three weeks to file reply.

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.558/2020 (D.B.)

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

Dated : 08/02/ 2022.

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

2. The Id. P.O. submits that he has received the parawise reply. However, he requires two weeks time to file reply. The Id. P.O. is also directed to call record of D.E. for perusal of the Bench.

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

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.669/2020 (D.B.)

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

Dated : 08/02/ 2022.

C.A.No.26/2022:-

Heard Shri R.D.Karode, 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. two weeks to file reply.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.704/2020 (D.B.)

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

Dated : 08/02/ 2022.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents. None for R-2 to 4.

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

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

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

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

Dated : 08/02/ 2022.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of R-2 to 4.

2. The Id. counsel for the applicant submits that he has served the notices and he will again recheck it. The Id. P.O. further submits that he has received the parawise comment of respondent no. 4. He is directed to file it on record till next date, **S.O. 28.02.2022.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.650/2021 (D.B.)

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

Dated : 08/02/ 2022.

Heard Shri D.M.Surjuse, 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 7.

2. The Id. counsel for the applicant submits that notices have been served and he will file service affidavit today.

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

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.933/2021 (D.B.)

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

Dated : 08/02/ 2022.

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

2. The applicant was appointed vide letter dated 23.03.2011 (A-1, Pg. No. 42) by Civil Surgeon, Wardha. Another letter was filed dated 23.01.2011 (A-1, Pg. Nos. 43 to 45) issued by Deputy Director, Health Services, Akola Circle, Akola. The Id. counsel for the applicant has not filed original appointment letter of the Government. He is directed to file the same on record and supply it to the other side.

3. The Id. counsel for the applicant submits that interim relief should be granted. However, since original appointment letter has not been on record, it can be considered at next hearing, when he will file the original appointment letter.

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

5. **Put up this matter along with O.A. Nos. 976/2021 & 1132/2021.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.976/2021 (D.B.)

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

Dated : 08/02/ 2022.

Heard Shri J.S.Wankhede, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed appointment letter of the applicant dated 19.01.2011 (A-2, Pg. No. 40). Perusal of this letter name of the applicant has been mentioned in first paragraph only. It is seen that on pg. no. 41, para no. 'x' following condition has been mentioned which is below:-

"x- R; kauk [kktxh 0; ol k; dj.; kl ifrcdk jkghy- R; k, oth R; k R; k oGh vflRokr vl yY; k o 'kkI ukus oGhGh I qkkj.kk dyyY; k fu; eki ek.k.s 0; ol k; jsk HRrk vuKs jkghy-"

3. Since reply have been already filed by the Id. P.O., matter is **admitted** and kept for final hearing.

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

5. **S.O. three weeks.**

6. **Put up this matter along with O.A. Nos. 933/2021 & 1132/2021.**

Member(J)
Date:-08/02/2022.

Vice Chairman

aps.

O.A.No.1015/2021 (D.B.)

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

Dated : 08/02/ 2022.

C.A.No.47/2022:-

Shri P.S.Wathore, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri S.S.Sanyal, the Id. counsel for the R-3.

2. The Id. P.O. has filed reply of R-2 i.e. M.P.S.C.. It is taken on record. Copy is served to the other side.

3. Reply of respondent no. 1 has already been filed by Id. C.P.O.. The Id. counsel for the applicant has filed C.A. for direction. However, he submits that he is not pressing for the same C.A.. Hence, **C.A. No. 47/2022 is disposed of.**

4. The Id. C.P.O. desires time to file reply, **S.O. 14.02.2022 for final hearing.**

5. Till that time, **interim granted on 12.11.2021 in para no. 4 will be continued.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.1025/2021 (D.B.)

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

Dated : 08/02/ 2022.

Shri R.V.Shiralkar, 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. 28.02.2022 to file reply.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

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

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

Dated : 08/02/ 2022.

Shri M.Thakkar, 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. three weeks to file reply.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

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

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

Dated : 08/02/ 2022.

Shri A.A.Potnis, 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. three weeks to file reply.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.1132/2021 (D.B.)

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

Dated : 08/02/ 2022.

C.A.No.417/2021:-

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

2. C.A. No. 417/2021 for Jt. O.A. is allowed and disposed of.

O.A. No.1132/2021:-

The Id. counsel for the applicant further submits that he is going to file service affidavit today only.

2. S.O. three weeks to file reply.

3. Put up this matter along with O.A. Nos. 933/2021 & 976/2021.

**Member(J)
Date:-08/02/2022.
aps.**

Vice Chairman

O.A.St.No.2334/2019 (D.B.)

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

Dated : 08/02/ 2022.

C.A.No.436/2019:-

Shri P.V.Thakre, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 08.10.2021, which is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

3. By the above said letter it appears that grievance of the applicant is redressed. The Id. counsel for the applicant desires some time to go through the order.

4. **S.O. 14.02.2022.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.38/2021 (D.B.)

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

Dated : 08/02/ 2022.

C.A.No.43/2022:-

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

2. **C.A. No. 43/2022 for amendment is allowed and disposed of.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. **S.O. three weeks.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.94/2020 (D.B.)

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

Dated : 08/02/ 2022.

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

2. The Id. P.O. has filed letter by Resident Deputy Collector, Ratnagiri dated 07.01.2022 and along with that he has also filed letter of Head of the Department of English, Mumbai University dated 08.12.2021. It is mentioned in the letter dated 08.12.2021 that from the existing option given in this question, 'D' – 'Collection' may be the nearest to correctness.

3. We have seen the relief clause of the applicant, relief clause is very elaborate and vague. Hence, Id. counsel for the applicant submits that he may be allowed for C.A. to amend the relief clause. In view of this situation, the Id. counsel for the applicant is directed to file C.A. specific to his grievance. At the request of Id. counsel for the applicant, **C.A. No. 40/2020 is withdrawn.**

4. **S.O. one week to amend the relief clause.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.109/2022 (D.B.)

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

Dated : 08/02/ 2022.

Shri A.B.Mirza, 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 has relied on order by M.A.T., Aurangabad Bench. However, Id. P.O. has submitted that the Bench observed in the order that:- "It is necessary to peruse the original record of the D.P.C.". The Id. P.O. desires some time to consult and make the statement.

3. **S.O. 14.02.2022.**

4. **Steno copy is granted.**

5. **Till 14.02.2022, respondents are directed not to pass any order.**

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

C.P.No.45/2020inO.A.No.1025/2018 (D.B.)

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

Dated : 08/02/ 2022.

Shri N.B.Rathod, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. submits that department has challenged the order passed by M.A.T. in this Original Application No. 1025/2018. The Id. P.O. is directed to circulate the matter and get it listed in the Hon'ble High Court and file the copy of the Writ Petition and observations of the Hon'ble High Court before next date of hearing.

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

Member(J)
Date:-08/02/2022.
aps.

Vice Chairman

O.A.No.129/2022 (D.B.)

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

Dated : 08/02/ 2022.

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

2. As pointed out by Id. counsel for the applicant; D.P.C. related to Accountant to Chief Accountant posts took place under Chairmanship of respondent no. 3 on 10.01.2020 (A-8, Pg. No. 51) at 03:00 p.m. and minutes of D.P.C. is attached from page nos. 51 to 55 (A-8). On perusal of D.P.C. meeting at page no. 54; respondent no. 5 is at Sr. No. 7 in the last table and applicant is at Sr. No. 8 in the same table; against both the candidates in the remark column it is mentioned that both are considered against physically challenged quota. However, decision has been stayed for guidance from superior office. Just above this table it is mentioned that they have asked respondent no. 2 i.e. Additional Principal Chief Conservator of Forest (Administration and Subordinate Cadre) regarding promotion of respondent no. 5 and applicant in the quota of physically challenged category. Further Chief Conservator of Forest (H.R.M.) on behalf of respondent no. 2 has written to respondent no. 3 vide letter dated 06.08.2020 (A-12, Pg. No. 62) and in the said letter dated 06.08.2020 following observations have been communicated. The contents of the letter are reproduced below:-

"mi jktDr l mHkz i = fnucl 18-02-2020 vll0; sJh jkt dckj ckcjko ykss; kph i Fke fu; Qrh fy i hd i nkoj fnucl 07-02-2004 jksth beko i dxkru >kysyh vl u] R; kulk y[tki ky i nkoj i nksurh vi ax vkj {k.k [kyk i dxkz fnucl 06-11-2012 jksth ns; kr vkysyh vl Y; kpsdGfoysvkg

R; k vuqlackusvki .kl dGfo.; kr ; rsdh] Jh jkt dckj ckcjko ykss ; kph i Fke fu; Qrh fy i hd i nkoj beko i dxkru >kysyh vl nruk R; kulk y[tki ky i nkoj i nksurh vi ax vkj {k.kru d' kP; k vk/kjs ns; kr vlyh ; kckcrpk [kykl k ; k dk; ky; kl l knj djkok"

3. Letter issued by respondent no. 2 office dated 06.08.2020 (A-12, Pg. No. 62) is very much clear that they have questioned about the promotion of respondent no. 5. Since it is pointed out that respondent no. 5 was appointed against O.B.C. quota and not against the physically challenged quota, whereas applicant was appointed against physically challenged quota. Respondent no. 3 is directed to take into account letter issued by higher office and points raised by letter dated 06.08.2020 (A-12, Pg. No. 62) for consideration in

the minutes of D.P.C.. Further perusal of documents, it appears that there is also questions by various correspondence from respondent no. 2 vide letter dated 18.01.2020 (A-13, Pg. No. 63), (A-14, Pg. No. 64), (A-15, Pg. No. 65). (A-16, Pg. No. 66), (A-17, Pg. No. 67) and (A-18, Pg. No. 68). Finally respondent no. 2 has also directed the respondent no. 3 to take the decision on representation submitted by the applicant at A-19, Pg. No. 70 vide letter dated 12.03.2021 (A-20, Pg. No. 72).

4. In view of discussion in above paras, **respondent no. 3 has to decide the issue of applicant as per correspondence made by respondent no. 2 within 30 days from the date of receipt of this order.**

5. Issue notice to Respondents, returnable on 10.03.2022. 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. 10.03.2022 for compliance.**

Member(J)

Vice Chairman

Date:-08/02/2022.
aps.