

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

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

Dated : 25/08/2021.

Shri N.D. Thombre, 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.**
15/9/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 704/2020 (S.B.)

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

Dated : 25/08/2021.

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

Put up before Division Bench.

Vice-Chairman

dnk.

O.A. 786/2020 (S.B.)

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

Dated : 25/08/2021.

Ms. Rashmi Gaikwad, Id .counsel holding Shri S.I. Khan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and Shri H.D. Marathe, Id. counsel for R-5.

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

Vice-Chairman

dnk.

O.A. 140/2020 (S.B.)

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

Dated : 25/08/2021.

Shri B. Kulkarni, 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.

Vice-Chairman

dnk.

O.A. 141/2021 (S.B.)

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

Dated : 25/08/2021.

Shri Karmarkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2&3.

S.O. two weeks for filing service affidavit.

Vice-Chairman

dnk.

O.A. 142/2021 (S.B.)

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

Dated : 25/08/2021.

Shri P.V. Thakre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2&3.

S.O. four weeks for filing service affidavit.

Vice-Chairman

dnk.

O.A. 381/2021 (S.B.)

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

Dated : 25/08/2021.

Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. 8/9/2021 for filing service affidavit.

Vice-Chairman

dnk.

O.A. 421/2021 (S.B.)

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

Dated : 25/08/2021.

Shri B.V. Chawhan, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for R-1. Await service of R-2&3.

S.O. 30/8/2021 for filing service affidavit.

Vice-Chairman

dnk.

O.A. 701/2021 (S.B.)

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

Dated : 25/08/2021.

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

The Id. P.O. files reply on behalf of R-1&2. It is taken on record.

S.O. 01/09/2021.

Vice-Chairman

dnk.

O.A. 709/2021 (S.B.)

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

Dated : 25/08/2021.

Heard Shri B. Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The matter was heard on 20/08/2021 by the Hon'ble Chairperson in which all the points have been given. The applicant was transferred from Amravati to Gondia vide order dated 12/7/2017 (A-2,P-21) and she appears at Sr.No.19. Thereafter vide order dated 9/8/2021 (A-1,P-10) the applicant has been transferred from Gondia to Wardha. The learned counsel submits that the applicant may join at Wardha. The applicant relied on the G.R. dated 6/8/2002 (A-4,P-33 to 39) and particularly clause M (2) which is as under –

^M (2) v kfnokl h {k=kr fdeku 2 o"ki plaxysdke dyyV; k xV v o c P; k vf/kdk&; kauk n\$[kr R; kb; k i l arhP; k ftYg; kr l kbZud kj ue.kok ns; kr ; k0; kr**-

3. It is submitted that the applicant's husband is working at Amravati and her daughters are studying in Amravati. The applicant has submitted representation 13/8/2021 (P-32) and requested for choice posting at Amravati as per

G.R. dated 6/8/2002 (A-4,P-33 to 39) as she has already worked in naxalite area almost four years. In this situation, the respondents are directed to consider the applicant's representation dated 13/8/2021 (P-32) as and when any vacancy is occurred in Amravati during next season of transfers.

4. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

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

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

Dated : 25/08/2021.

C.A. 247/2021 -

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

2. The learned counsel has filed C.A.No. 247/2021 in the relief clause of the C.A. at page no.4 he has prayed for release the pension and other pensionary benefit. After going through the O.A. in relief clause he has prayed for correction in the Service Book and seniority. Both the subjects are different. Hence, the learned counsel is directed to file separate O.A.

3. In view of above, the C.A. cannot be allowed and it is disposed of.

O.A. 382/2017 –

S.O. 2nd week of September, 2021.

Vice-Chairman

dnk.

O.A. 312/2018 (S.B.)

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

Dated : 25/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 221/2019 (S.B.)

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

Dated : 25/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 223/2020 (S.B.)

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

Dated : 25/08/2021.

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 applicant, **S.O. two weeks.**

Vice-Chairman

dnk.

O.A. 503/2021 (S.B.)

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

Dated : 25/08/2021.

Shri S.N. Gaikwad, Id. counsel holding for R. Deshpande, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 4 and Shri R.N. Sen, Id. counsel for R-5.

At the request of Id. counsel for the applicant, **S.O. 6/9/2021.**

Vice-Chairman

dnk.

O.A. 726/2021 (S.B.)

(Dr. Rajiv C. Dobe Vs. State of Mah. & Ors.)

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

Dated : 25/08/2021.

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

2. The learned counsel for the applicant submitted that as per order dated 14/8/2017 (A-2,P-27) the applicant a Medical Officer, Group-A has been posted from Channa (Ba) to Daga Lady Hospital, Nagpur and he has been relieved on 14/8/2017 (A.N.). Now vide transfer order dated 9/8/2021 (A-3,P-28) the applicant has been transferred from Daga Lady Hospital, Nagpur to Taluka Health Officer, Pauni, District Bhandara and his name appears at Sr.No.89. The learned counsel has filed document at Annex-A-4, P-64 and submitted that so many persons who were working before the applicant at Nagpur, but they have not been transferred and the applicant has been transferred. The learned counsel submitted that the applicant's sister Poonam Kedar is suffering from Sizodon and her son Anurag Kedar is suffering from Schizophrenia and are under the treatment of psychiatrist at Nagpur and both are dependent upon the applicant. The relevant medical documents are filed at page nos.64&65. Since there is no counselling as per G.R. dated 9/4/2018 and the applicant has not been given any opportunity to plead his case before the respondents before transfer and explain why he should be required to be nearby his sister and her son. There is provision in G.R. dated 9/4/2018 for such kind of employee for redressing their grievances.

3. In view of this situation, **the applicant's transfer order dated 9/8/2021 (A-3,P-28) to the extent of applicant is stayed till filing of reply** and taking instructions from the respondents.

4. Issue notice to the respondents returnable **after two weeks**. Learned P.O. waives notice for State. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after two weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 705/2021 (S.B.)

(Suresh S. Chaudhary Vs. State of Mah. & Ors.)

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

Dated : 25/08/2021.

Heard Shri R.S. Khobrabade, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The applicant has been transferred vide impugned order dated 9/8/2021 (A-1,P-22 to 27) from Kurkheda, Dist. Gadchiroli to Gondia and his name appears at Sr.No.50 on page no.26.

3. As per submission made by the learned counsel for the applicant on page no.5 of the O.A. the applicant has worked in tribal naxalite area at the following places –

(i)	ITI, Bhamragarh, Gadchiroli	1/2/2001 to 6/6/2001
(ii)	Govt. Technical Higher School, Armori, Gachiroli	7/6/2001 to 5/8/2002
(iii)	ITI, Armori, Gadchiroli	6/8/2002 to 26/8/2008
(iv)	ITI, Chamorshi, Gadchiroli	27/8/2008 to 16/6/2013
(v)	ITI, Bramapuri, Dist. Chandrapur	19/6/2013 to 8/9/2017
(vi)	ITI, Dhamora, Gadchiroli	9/9/2017 to 31/3/2018
(vii)	ITI, Kurkheda, Gadchiroli	1/4/2018 till date

4. According to above Chart it is cleared that applicant has worked in tribal and naxal affected area for more than three years and so he is entitled for benefit as per Clause M ¼2½ of the internal page no.5 of the G.R. dated 6/8/2002 (A-4,P-32 to 39).

5. As per page no.7 of the O.A. the learned counsel submitted that as per provision of the G.R. dated 6/8/2002 the applicant has submitted representation dated 14/7/2021 (A-3,P-29 to 31) and requested for transfer at Brahmpuri, Dist. Chandrapur. Though the applicant is entitled for relief as per provision of G.R. dated 6/8/2002 but at the same time he cannot ask only one choice and at one place.

6. In view of this situation, the respondents are directed to call the applicant for counselling as per G.R. dated 9/4/2018 and along with representation dated 14/7/2021 ask him other choices also and out of his choices consider him for place of posting. The learned counsel is directed that he should ask the applicant to submit other application with more other choices to the respondents by 2nd September,2021 and after receipt of the representation, the respondents should take decision within two weeks i.e. by 17th September,2021 and communicate to the applicant.

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

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

9. 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.

10. 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.

11. 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.

12. 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 two weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 719/2021 (S.B.)

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

Dated : 25/08/2021.

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

2. The learned counsel submits that since the applicant has joined at the respective place of posting, the O.A. has become infructuous and he desires to withdraw the O.A.

3. In view of this submission, the O.A. stands disposed off as withdrawn. No order as to costs.

4. The learned counsel is directed to file Pursis to withdraw the O.A. in the afternoon and after receipt of Pursis, the order copy be issued.

Vice-Chairman

dnk.

O.A. 720/2021 (S.B.)

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

Dated : 25/08/2021.

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

2. The learned counsel submits that since the applicant has joined at the respective place of posting, the O.A. has become infructuous and he desires to withdraw the O.A.

3. In view of this submission, the O.A. stands disposed off as withdrawn. No order as to costs.

4. The learned counsel is directed to file Pursis to withdraw the O.A. in the afternoon and after receipt of Pursis, the order copy be issued.

Vice-Chairman

dnk.

O.A. 737/2021 (S.B.)

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

Dated : 25/08/2021.

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

2. In the impugned order dated 5/8/2021 (A-7,P-22) specifically mentioned that the applicant has been transferred vide order dated 5/8/2021 and it is mentioned that this order has been issued after counselling and as per request of the applicant. The learned counsel submits that counselling was not done to the applicant. As pointed out by the learned CPO the document at Annex-A-8,P-23 it appears that there was change of time in the counselling process and the applicant was transferred without counselling.

3. In view of this, the respondents are directed to consider the representation of the applicant 9/8/2021 (A-8,P-23) within two weeks and communicate to the applicant.

4. With this direction, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 736/2021 (S.B.)

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

Dated : 25/08/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The applicant was transferred vide order dated 25/7/2019 (A-1,P-10) from Chief Conservator of Forests (Territorial), Nagpur office to the Additional Principal Chief Conservator of Forests, Nagpur office. Subsequently, vide order dated 3/2/2021 (A-2,P-11) the applicant was deputed to the Conservator of Forests Office, East Nagpur (Desk-14). The applicant has made several representations to post him at present place of posting i.e. Additional PCCF, Desk-17 (Nodal Cell), Office, Nagpur, but it has not been decided till now. The applicant has made representations dated 5/4/2021 (A-3,P-12), dated 23/5/2021 (A-4,P-13) and dated 13/7/2021 (A-5,P-14).

3. The respondents are directed to consider all the representations of the applicant and decide within three weeks from the date of receipt of this order.

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

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

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

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 738/2021 (S.B.)

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

Dated : 25/08/2021.

Heard Smt. S.V. Kolhe, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

After going through the record, it appears that the page no.34 is not legible which is relevant document. The learned counsel is directed to file on record typed copy of the said document.

S.O. 30/08/2021.

Vice-Chairman

dnk.

O.A. 739/2021 (S.B.)

(D.M. Mohurle Vs. State of Mah. & Ors.)

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

Dated : 25/08/2021.

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

2. The applicant has been transferred vide order dated 6/8/2021 (A-1,P-14) from Maregaon to Dhamni and his name appears at Sr.No.7. The applicant has given 10 choice posting as per Annex-A-2,P-16. The learned counsel submits that out of 10 choice posting, few posts are still vacant. The learned counsel submits that the applicant has not been relieved so far.

3. The learned CPO submits that the respondent no.3 has been transferred in place of applicant so if transfer order of the applicant is stayed it will create problems. The learned CPO is not aware that the respondent no.3 is relieved or not.

4. In view of this situation, the respondents are directed to take counselling of the applicant as per the G.R. dated 9/4/2018 and to post any vacant post out of 10 choice posting of the applicant as per Annex-A-2,P-16 within two weeks from the date of receipt of this order. In the meantime, **status-quo as on today be maintained.**

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

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

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

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

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

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

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

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 85/2018 (S.B.)

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

Dated : 25/08/2021.

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

At the request of Id .counsel for the
applicant, **S.O. 1/9/2021.**

Vice-Chairman

dnk.

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

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

Dated : 25/08/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

By consent of both the Id. counsel for parties, **S.O. 1/9/2021.**

Vice-Chairman

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 25/08/2021.

Heard Shri I.G. Meshram, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel wants time to file rejoinder on the reply filed by the P.O. He is permitted to do so.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 308/2017 (S.B.)

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

Dated : 25/08/2021.

Heard Shri R.V. Shiralkar, 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. 30/08/2021.**

Vice-Chairman

dnk.

O.A. 31/2018 (S.B.)

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

Dated : 25/08/2021.

Heard Shri B. Kulkarni, 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. two weeks.**

Vice-Chairman

dnk.

***O.A. 667/2020 (S.B.)**

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

Dated : 25/08/2021.

Heard Shri Tushar Mandlekar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents. Shri Tushar Mandlekar has filed Vakalatnama which is taken on record.

2. The matter was heard on 3/6/2021 and in para-5 , the respondents were directed to pay salary to the applicant as per pay fixation done by the Collector, Wardha dated 8/1/2019 (A-6,P-25) till final opinion of the respondent no.3 as mentioned in their own fixation letter dated 13/9/2019 (A-9,P-32). The pay fixation done by the Sainik Welfare Board, Pune vide letter dated 13/9/2019 (A-9,P-32) be kept in abeyance till final opinion of the respondent no.3.

3. Today the Service Book of the applicant has been produced by the respondent no.2 and it appears that Pay Verification Unit, Nagpur has verified the pay of the applicant as directed by this Tribunal and as per Govt. GAD G.R. dated 2/6/1992. Their opinion is taken on record and marked as Exh-X. Copy is supplied to the learned counsel for the applicant. The opinion of Pay Verification Unit is reproduced below –

^i ekli=

Jherhf'KYi k ek-[kji dj] ftYgk l sud dY; k.k vf/kdkjh ; kph l sud dY; k.k foHkkx] egkj k"V" jkT;]i qks; kps vkns k dz2681@l sfo 4@2559 fn- 13@9@2019 vUo; s rl p egkj k"V" 'kkl u foRr foHkkx] l pkyuky;] ys[kk o dks'kkxkj] epbz; kpsi = dz 2021@osi i@Jherh [kji dj @U; k-i z@ i z dz:32@120@2653 fn- 26@6@2021 o ek- i z kkl dh; U; k; kf/kdj.k] ukxi j ; k; k vkns kkuq kj dG ^, d fo'ksk ckc** Eg.kuu l nj i dzj.kh i qhy i ek.ks orufuf' prh i ekf.kr d#u ns; kr vkys

egkj k"V" 'kkl u l k-i zfo- 'kkl u fu.kz dz vkjVh, 1086]8170@i z dz:259@91@28@fn- 2@6@1992
fn- 3@12@2018 yk oru #- 57]000@&
fn- 1@7@2019 yk oru # 58]700@&**

4. On perusal of document at Annex-A-9,P-32&33, it appears that Incharge Director, Sainik Welfare Board, Maharashtra State, Pune has also fixed the pay of applicant after considering 7th Pay Commission in the Pay Band of S-18 (49,100-1,55,800) as on 03/12/2017. In para-3 of the fixation letter, it is also mentioned that this fixation is subject to Accounts Officer, Pay Verification Unit and Accountant General (Account & Audit). The fixation done by the Incharge Director, Sainik Welfare Board, Maharashtra State, Pune is tallying with fixation done by the Pay Verification Unit, Nagpur on 12/7/2021 and recorded in the service book of applicant accordingly.

5. In view of this situation, the order dated 3/6/2021 is modified as follows –

(i) The pay fixation made by the Collector, Wardha vide order dated 8/1/2019 (A-6,P-25&26) is quashed and set aside.

(ii) The pay fixation done by Incharge Director, Sainik Welfare Board, Maharashtra State, Pune is confirmed as correct fixation of pay as opined by pay verification unit, Nagpur.

(iii) The respondents are directed to pay the applicant salary as per pay fixation done by Incharge Director, Sainik Welfare Board, Maharashtra State, Pune and confirmed by Pay Verification Unit, Nagpur in the service book record of the applicant till outcome of the O.A.

S.O. 22nd September, 2021.

Vice-Chairman

dnk.

Rev. A. 01/2021 in O.A. 100/2020 (S.B.)

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

Dated : 25/08/2021.

Heard Shri H.K. Pande, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Org. applicant).

2. As submitted by the P.O., the Govt. letter dated 17/12/2020 is filed with Review Application as per Annex-R-2,P-11 was not placed before this Bench when the O.A. was heard and order was passed on 24/12/2020. Since the said order has been placed on record now, that would be considered and accordingly review application will be decided. However, the learned P.O. desires to amend in the relief clause of the review application and for that purpose he seeks time.

S.O. after four weeks (PH).

Vice-Chairman

dnk.

*

O.A.No.396/2018

(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 25/08/ 2021.

C.A.No.514/2019:-

Heard Shri N.D.Thombre, 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 correspondence vide Medical Officer, District Sub Hospital, Ramtek dated 24.08.2021. It is taken on record. Copy is served to the other side.

3. By the above letter it appears that respondents are in the process of paying dues to the applicant no. 3. The Id. P.O. further submits that three weeks time may be granted for filing reply. Meanwhile, applicant no. 3 is likely to get his dues from respondent nos. 3 & 4.

4. In view of this, **S.O. 15.09.2021.**

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.1003/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

C.A.No.292/2020:-

Heard Shri N.D.Thombre, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri P.D.Meghe, the Id. counsel for the respondent no. 6.

2. As submitted by Id. P.O. and Id. counsel for the respondent no. 6; applicant is already retired on 31.01.2021. If applicant succeeds in the outcome of the O.A.; he will get deemed date promotion but there is no point in asking to stop promotion of respondent no. 6.

3. Hence, C.A. No. 292/2020 is disposed off.

4. **S.O. in due course.**

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.766/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri J.S.Wankhede, 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 desires one week time to file Rejoinder.

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

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

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

6. *Meanwhile, the Id. counsel for the applicant may file Rejoinder, if any.*

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.980/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri S.C.Deshmukh, 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. 08.09.2021 to file reply.**

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.675/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri R.S.Parsodkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 20.09.2021.**

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.33/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

C.A.No.12/2021:-

Heard Shri R.N.Gaikwad holding for Shri S.I.Khan, the Id. Counsel for the applicant, Shri , the Id. P.O. for the State and Shri G.G.Bade, the Id. counsel for the Intervenor. Await service of R-2 to 19.

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

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.54/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

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

2. The Id. P.O. submits that he will file reply within one week. This should be treated as a last chance, **S.O. 08.09.2021.**

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.107/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

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

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

3. Interim stay was granted on dated 04.02.2021 in para no. 2. The Id. counsel for the applicant desires to go through the reply and he further desires two weeks time for the same. Meanwhile, the Id. counsel for the applicant also submits that applicant's increment has been stopped. The Id. P.O. is directed to take necessary instructions regarding stoppage of increment of the applicant.

4. S.O. two weeks.

5. *I.R. granted on 04.02.2021 is continued till next date.*

Vice Chairman

Date:-25/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

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

2. The Id. counsel for the applicant has filed correspondence dated 05.08.2021 by respondent no. 2 i.e. Director General of Police, Mumbai, Maharashtra. Meanwhile, the respondent no. 2 is also directed to avoid discrimination between applicant and name in the order dated 05.08.2021, if both are otherwise similarly placed.

3. The Id. counsel for the applicant has submits that vide this correspondence, as per para no. 2 one Shri Satish M. Ghotekar and 2 Ors. have been given relief as per the provisions of G.A.D. G.R. dated 15.12.2017. The Id. counsel for the applicant further submits that applicant is also similarly placed employee and he desires that discrimination should not be made between applicant and Shri Satish M. Ghotekar & 2 Ors. by Respondent no. 2.

4. The Id. P.O. submits that he desires to take certain instructions from respondents, **S.O. three weeks.**

5. **Steno copy is granted.**

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.328/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri M.R.Khan, 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, applicant's husband was in Police Department and he expired on 30.06.2019 as per synopsis of the O.A. The deceased has not been paid any retiral benefits till now. Considering the applicant's difficulty, matter should be decided expeditiously. The Id. P.O. desires two weeks time to file reply.

3. **S.O. 08.09.2021 as a last chance.**

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.419/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri N.R.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. two weeks to file reply.**

Vice Chairman

Date:-25/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Smt. Saboo, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondents and Shri B.Z.Kalode, the Id. counsel for the respondent no. 3.

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

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.470/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri V.K.Paliwal, the Id. Counsel for the applicant and Shri H.K.Pande, 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:-25/08/2021.

aps.

O.A.No.722/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

C.A.No.245/2021:-

Heard Shri S.S.Ghate, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. **C.A.No.245/2021 for Jt. O.A. is allowed.**

3. The Id. counsel for the applicant is challenging seniority list and further submits that till filing of the reply the list which is faulty should not be processed. Meanwhile, the respondents are directed to examine the seniority list and if at all it is faulty not to proceed with faulty list.

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

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

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

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

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

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

10. **S.O. four weeks.**

11. **Steno copy is granted.**

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.728/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

C.A.No.246/2021:-

Heard Shri P.B.Patil, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2.C.A.No.246/2021 for Jt. O.A. is allowed.

3.As submitted by Id. counsel for the applicant, there are seven applicants those who are B.A.M.S. candidates and as submitted by Id. counsel for the applicant, 25% post reserved for candidates holding BAMS qualification. So, all the applicants are having same grievances.

4.The Id. counsel for the applicant submitted that respondents have published first advertisement no. 01/2021 and total posts are 899 for filling the Medical Officer, Group-A and according to 7th Pay Commission the pay scale was 56,100/- to 177500/- this advertisement is dated 31.03.2021 (Annexure-A-15, P.B., Pg. NO. 101). The Id. counsel for the applicant has further pointed out as per P.B., Pg. No. 147; second advertisement was published bearing advertisement no. 02/2021 and total posts are 1152 for filling the Medical Officer, Group-A and according to 7th Pay Commission the pay scale was 56,100/- to 177500/- this advertisement is of dated 01.08.2021 (P.B., Pg. No. 147).

5.The Id. counsel for the applicant has further relies on Recruitment Rules dated 30.10.2000 (A-A-2, Pg. No. 25) and mainly he relies on para nos. d] c] and para no. 5 which are reproduced below:-

d] T; k menokj; kckrhr i qhy 'krtz i qlz gkr vl rhy v'kk 0; fDre/kau
ukefunskukusdjrk; b]y]

¼, d½ T; k vxkxj i kl u 'kl fd; l or ul rhy vkf.k R; kps o; 35 o'kkā §kk
tkLr ul y vkf.k

¼nks½ i qhy vgrk /kij .k djhr vkgj

¼v½ l koskhd fo?kki hBkph , e-ch-cl, l i noh fdok Hkjr rh; oSkdh; i jh'kn
vf/fu; e 1956 yk tdkly; k i fke fdok f) rh; vuq phr fofunh'V dsysyh vU;
dkskrhgh vgrk fdok

¼c½ egkjkr'V oSkdh; 0; ol kf; d vf/fu; e 1961 yk tdkly; k Hkx v&l
vuq phr fofunh'V dsysyh 'kfn vk; qn e/hy i noh fdok ch, -, e-, l i noh-

5- fu; e 3 e/hy [lH ¼d½/¼nks½¼c½ e/; s uem dsysyh vgrk /kij .k
dj .kk&; k menokjph fu; phr l pkyuky; kp; k vf/ki R; k[kyh i kfkfed vkjkk; dms
vkf.k i kfkfed vkjkk; i fKds; fksdj.; kr ; bdy- i kfkfed vkjkk; dms o i kfkfed
vkjkk; i fkdhdjhrk eatj vl y; k , duk i nk; k 25 VDds ins vk; qn
i noh/kjckd kbh i nkhdurh fuom o ukefunakukus vuples 25%50%25 i ek.kkr
fu; phrdjhrk vkjfkkr jkgrhy-

6. The grievances of the applicants are that 25% quota has been decided by this recruitment rules for them, However, it has not been considered in both the advertisements. The Id. counsel for the applicant has further relies on Hon'ble Supreme Court Judgment in the case of **North Delhi Municipal Corporation Vs. Dr. Ram Naresh Sharma & Ors. in Civil Appeal No. 4578 of 2021 (Arising out of SLP (C) No. 10156/2019)**, the Id. counsel for the applicant has mainly relied in para no. 22 of the said Judgment which is at P.B., Pg. No. 95, the same is reproduced below:-

"22. The common contention of the appellants before us is that classification of AYUSH doctors and doctors under CHS in different categories is reasonable and permissible in law. This however does not appeal to us and we are inclined to agree with the findings of the Tribunal and the Delhi High Court that the classification is discriminatory and unreasonable since doctors under both segments are performing the same function of treating and healing their patients. The only difference is that AYUSH doctors are using indigenous systems of medicine like Ayurveda, Unani, etc. and CHS doctors are using Allopathy for tending to their patients. In our understanding, the mode of treatment by itself under the prevalent scheme of things, does not qualify as an intelligible differentia. Therefore, such unreasonable classification and discrimination based on it would surely be

inconsistent with [Article 14](#) of the Constitution. The order of AYUSH Ministry dated 24.11.2017 extending the age of 6 (2013) 7 SCC 595. superannuation to 65 Years also endorses such a view. This extension is in tune with the notification of Ministry of Health and Family Welfare dated 31.05.2016."

7. The Id. counsel for the applicant is pressing for interim relief but it appears that if interim relief is granted it will almost amount to deciding the O.A. for which this Bench is not competent.

8. The Id. counsel for the applicant submits that he desires to amend Interim Relief forthwith.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

15. If amendment is carried out put this matter on Friday. **S.O.**
27.08.2021.

Vice Chairman

Date:-25/08/2021.
aps.

C.A.55/21inC.P.41/19inO.A.288/2007 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Smt. S.Paunikar holding for Smt. A.A.Joshi, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-25/08/2021.

aps.

C.P.28/2020inO.A.No.877/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

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

2. During last hearing, the Id. P.O. has produced letter dated 26.07.2021 (Pg. No. 40) by which it was submitted that department was trying to appeal before Hon'ble High Court against the order passed by M.A.T.. However, today the Id. P.O. submits that he is yet to receive the instructions for that he desires one week time.

3. **S.O. 03.09.2021 as a last chance.**

Vice Chairman

Date:-25/08/2021.
aps.

C.P.19/2021inO.A.No.324/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

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 Id. counsel for the applicant submits that during last hearing i.e. dated 20.05.2021; three months time was granted which ended on 20.08.2021. However, the Id. P.O. submits that he requires one more week time to take instructions in this matter.

3. **S.O. 03.09.2021.**

Vice Chairman

Date:-25/08/2021.
aps.

O.A.No.727/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Matter is kept for re-hearing on 03.09.2021.

Date:-25/08/2021.
aps.

Vice Chairman

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri Shubhankar Phadnis, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. As pointed out by Id. counsel for the applicant, order was passed on 02.01.2020 and operative order was passed on P.B., Pg. No. 22. The Id. P.O. objected to the contempt petition on the ground that much delay has been caused for filing C.P.. The outer limit for filing C.P. by various Judgments of Hon'ble Supreme Court and Hon'ble High Court is one year only. However, due to covid situation, in view of the order passed by the Hon'ble Supreme Court in Sua Moto W.P. (Civil) No.3 of 2020, the delay was condoned after 15/3/2020. Thereafter, the Hon'ble Supreme Court in M.A. 665/2021 in Sua Moto W.P. (Civil) No. 3/2020 by order dated 27/4/2021, extended the period of limitation upto 19/7/2021..

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

4. Shri M.I.Khan, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. **S.O. six weeks.**

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.612/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 25/08/ 2021.

3. Heard Shri P.S.Sahare, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri S.Yerawar, the Id. counsel for the respondent no. 3.

2. The matter was earlier heard and the order was pronounced on 08.08.2019. In the said order, O.A. was dismissed. Para Nos. 5 & 6 of the said order was relevant, which are reproduced below:-

*“5. We have perused the advertisement. In the advertisement it was specifically shown that total three posts of the Artist were vacant, one post was for Open category and two posts were reserved for S.C. We have also perused the online application at Annex-A-3 submitted by the applicant. The relevant information is as under –
“Constitutional Reservation (Caste Recognized in Maharashtra State): Open
Name of Caste : Open, Non-Creamy Layer Certificate : No”*

6. After reading this application Annex-A-3 submitted by the applicant, it seems that the applicant applied in Open category and he has mentioned Caste as “Open”. The applicant could have mentioned in the application his Caste and whether he was OBC, but it was not done. As per condition no.5.3 in the guidelines i.e. procedure for recruitment to Technical and Paramedical posts Class-II, the candidate desirous of claiming the constitutional and / or specified reservation must have claimed the same in the original online application form, failing which the claim will not be entertained subsequently.”

3. The order of M.A.T. was challenged before Hon’ble High Court, Mumbai, Bench at Nagpur in W.P. No. 6612/2019. By order dated 28.01.2021 Hon’ble High Court remanded back the matter to M.A.T. with direction that O.A. No. 612/2017 to be disposed of as per Law.

4. Subsequently, the matter was heard on 19.03.2021 and order was passed that since there is no D.B. in the M.A.T.; matter be put up as and when D.B. will be available. The applicant again preferred a writ to the Hon'ble High Court, Mumbai, Bench at Nagpur with W.P. No. 1743/2021. By order dated 19.07.2021, the Hon'ble High Court has given direction to the Id. counsel to appear before the M.A.T. on 26.07.2021 for hearing on Interim Relief. Matter is taken up on board but due to heavy work load matter could not be heard before and today it was come on board.

5. The Id. C.P.O. pointed out that applicant is claiming relief (at Pg. No. 12) as per clause 8 (i) and desires to quash and set aside the Final Selection list dated 10.04.2015 published by the Respondents (A-A-5, Pg. No. 63). He has filed the O.A. on 16.08.2017. The Id. C.P.O. has filed G.R. dated 19.10.2007 as **document R-1 along with return on behalf of respondent nos. 1 & 2**. Para no. 9 of the said G.R. 19.10.2007 explains about time period of selection list. It is explained that selection list is valid for one year or till preparation of new list. In this O.A., the selection list was published on 10.04.2015 (A-A-5, Pg. No. 63). So, as per G.R. it expires on 10.04.2016. The Id. C.P.O. further contended that the applicant by way of interim relief is seeking appointment on the post from OBC Category; such interim relief cannot be granted as that would amount to granting final relief.

6. The Id. Counsel for the applicant advanced the arguments that respondents published clear information dated 01.08.2016 (A-A-7, Pg. No. 68) for verification of documents of the candidates whose name were published in the list dated 10.04.2015, in that notification at Pg. No. 69 they called the document verification of O.B.C. candidates from Sr. Nos. 8 to 20. They have called the applicant who was at Sr. No. 9; however, his documents are not verified on the ground that he has not mentioned his category as O.B.C. while filling up the online form; this was injustice to the applicant. Further arguments is advanced that applicant submitted representation dated 09.08.2016 (A-A-8, Pg. No. 71) submitting that his caste category is O.B.C. and in the merit list he had secured 64 marks and his position was at Sr. No. 9 but his documents were not verified. As per clear information published by respondents dated 01.08.2016 in which place and time was given for verification of documents of Artist category O.B.C. at Pg. No. 69. However, applicant's application dated 09.08.2016 was not at all considered and other O.B.C. candidates documents were verified, in which respondent no. 3 is one of them.

7. It appears that the selection list was published on 10.04.2015 which was valid till 10.04.2016 and respondent called for document verification on 09.08.2016 only of those candidates who were in merit list dated 10.04.2015 and were eligible as per there online application forms. The Online application form of applicant is filed on record it is at A-A-3, Pg. No. 59, in that application form since the applicant had written against name of caste as 'OPEN'; respondents did not include his name in verification list dated 09.08.2016 as per there clear information dated 01.08.2016.

8. Today, the Id. counsel for the applicant has also filed Judgment, **Hon'ble High Court Kerala in the case of Indian Institute of Science Education and Research Represented by its Director and Ors. Vs. Dr. Smitha V.S. in W.A. No. 2029 of 2018 decided on 07.04.2021** and another is of **W.A. NO. 655 of 2016 and Wp. (C) 39210 of 2015 in the case of Union of India Vs. Abdul Rasheed in.** These are taken on record and supplied it to the other side. However, with all due regards to these Judgments it appears that these Judgments might had different background and circumstances.

9. The selection list was published on 10.04.2015 and appointments were made in 2016, the Id. Counsel for the applicant has filed O.A. on 16.08.2017. Much events have taken place before filing of O.A. itself. However, the Id. Counsel for the applicant is pressing for Interim Relief as per para no. 9, Pg. No. 13 which cannot be granted as that would amount to granting final relief.

10. Considering the whole issue of the applicant, the Id. counsel for the applicant is directed to approach before the respondents.

11. **The respondent nos. 1 & 2 are directed to consider the letter dated 09.08.2016 (A-A-8, Pg. No. 71) of the applicant and decide his case as per Law, Rules and Regulations of the Government.** The Id. counsel for the applicant has some objections about documents placed by Id. C.P.O. but as a matter of fact, to make the issue clear documents are required to be placed on record.

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

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.813/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri S.S.Dhengale, the Id. Counsel for the applicant and Shri , the Id. P.O. for the respondents.

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

Vice Chairman

Date:-25/08/2021.

aps.

O.A.No.387/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/08/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri , the Id. P.O. for the respondents. None for the respondent no. 3.

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

Vice Chairman

Date:-25/08/2021.
aps.