

O.A. 797/2019 (S.B.)

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

Dated : 02/08/2021.

Shri B.B. Pantawane, Id .counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The Id. P.O. files reply of R-3&4. It is taken on record. Copy is served on the applicant.

S.O. 23/8/2021.

Vice-Chairman

dnk.

O.A. 1079/2019 (S.B.)

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

Dated : 02/08/2021.

Shri G.G. Bade, 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. 11/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 629/2020 (S.B.)

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

Dated : 02/08/2021.

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

2. The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is served on the applicant.

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

S.O. 18/8/2021.

Vice-Chairman

dnk.

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

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

Dated : 02/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 761/2020 (S.B.)

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

Dated : 02/08/2021.

C.A. 210/2021 -

Heard Shri N.R. Saboo, 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. two weeks.**

Vice-Chairman

dnk.

O.A. 762/2020 (S.B.)

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

Dated : 02/08/2021.

C.A. 212/2021 -

Heard Shri N.R. Saboo, 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. two weeks.**

Vice-Chairman

dnk.

O.A. 151/2021 (S.B.)

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

Dated : 02/08/2021.

Shri N.R. Saboo, Id .counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 446/2021 (S.B.)

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

Dated : 02/08/2021.

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

At the request of Id. P.O., **S.O. 27/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 453/2021 (S.B.)

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

Dated : 02/08/2021.

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

At the request of Id. P.O., **S.O. 20/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 460/2021 (S.B.)

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

Dated : 02/08/2021.

Shri V.B. Wagh, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 482/2021 (S.B.)

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

Dated : 02/08/2021.

Shri N.R. Saboo, Id .counsel for the applicants 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.

Vice-Chairman

dnk.

O.A. 551/2021 (S.B.)

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

Dated : 02/08/2021.

Shri S.N. Gaikwad, 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. 18/8/2021 for filing service affidavit.

Vice-Chairman

dnk.

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

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

Dated : 02/08/2021.

Heard Shri D.M. Kakani, Id. counsel for the applicant, Shri H.K. Pande, 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. 18/8/2021.**

Vice-Chairman

dnk.

O.A. 956/2020 (S.B.)

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

Dated : 02/08/2021.

Heard Shri S.M. Bhagde, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

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

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

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

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

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

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 527/2021 (S.B.)

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

Dated : 02/08/2021.

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

2. The applicant retired on superannuation on 31/7/2018 as per page no.18 and the respondents have issued letter dated 31/1/2020 (A-1,P-17) for recovery of Rs. 3,42,582/- for the period from 1/7/2006 to 31/10/2018. In reference they have mentioned objection raised by the Pay Verification Unit, Nagpur dated 15/10/2019.

3. As per procedure, the pension papers are to be prepared of any employee three months prior retirement and it should be sent to the Pay Verification Unit for verification and then pension papers are to be submitted to the A.G. office. It appears that the respondents have not followed this procedure and after retirement of the applicant, they have sent pension papers to the Pay Verification Unit.

4. In view of this, fault on the part of the respondents, **the order dated 31/1/2020 (A-1, P-17) is stayed** till filing of the reply.

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

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

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

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 591/2021 (S.B.)

(Aba S/o Genba Dhapate Vs. State of Mah. & Ors.)

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

Dated : 02/08/2021.

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

2. As submitted by the learned counsel, the applicant was placed under suspension vide order dated 25/5/2017 (A-1,P-14&15) and in para-2 it is mentioned that the deemed date of suspension should be treated from 10/3/2017. Prima facie, the suspension order appears to be faulty on this point since it has been made effective from backdated. By record it appears that the Department has decided to start the DE against the applicant vide letter dated 17/2/2020 (A-3,P-19). Even if suspension is treated from 25/5/2017, it is almost more than four years the applicant is placed under suspension which is against various Judgments of Hon'ble Apex Court, Hon'ble High Court and also Government G.R. In this case, the charge sheet has been served on 17/2/2020 and as prescribed by the Hon'ble Apex Court in Judgment of **Premnath Bali Vs. Registrar High Court of Delhi & Ano. in Civil Appeal No.958 of 2010 decided 16/12/2015** the DE should be finalised within six months after serving the charge sheet and outer limit is one year.

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a

criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

3. The present O.A. is squarely covered by the decisions in above Judgments,

4. In view of natural justice to the applicant, as per prayer clause 8 of the page no.11 in O.A. the applicant is granted interim relief and the suspension order dated 25/5/2017 (A-1,P-14&15) is revoked with immediate effect. The respondents are directed to issue necessary orders along with suitable posting order as per observations made in para-24 above by the Hon'ble Apex Court in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018**.

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 178/2018 (S.B.)

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

Dated : 02/08/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned counsel for the applicants submits that as per order dated 24/2/2020 of this Tribunal, the Government has issued 23/11/2020 by which the grievance of the applicants has been solved and they have been given allowances. However the learned counsel submits that the said order is received on Whatsup only and he wants to file on record. He is directed to file the copy of order on record on the next date.

S.O. 4/8/2021.

Vice-Chairman

dnk.

O.A. 982/2018 (S.B.)

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

Dated : 02/08/2021.

Heard Ms. Aarti Singh, Id .counsel holding for Shri P.D. Meghe, 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. 6/8/2021.**

Vice-Chairman

dnk.

O.A. 173/2019 (S.B.)

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

Dated : 02/08/2021.

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

2. The order was passed on 28/6/2021 and the respondents were given 30 days time to pass final order in D.E. which is expired on 28/7/2021. Only four days period has been lapsed now.

3. The learned P.O. desires to take instructions in this regard. One week time is granted as prayed for. The Id. P.O. is directed to take instructions regarding present status of the case and submit on the next date.

S.O. 9/8/2021

Vice-Chairman

dnk.

O.A. 73/2017 (S.B.)

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

Dated : 02/08/2021.

Herd Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri A.Y. Kapagate, Id. counsel for R-5.

At the request of Id .counsel for the applicant, **S.O. 6/8/2021.**

Vice-Chairman

dnk.

O.A. 384/2021 (S.B.)

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

Dated : 02/08/2021.

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

At the request of Id. P.O., **S.O. 4/8/2021.**

Vice-Chairman

dnk.

O.A. 462/2017 (S.B.)

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

Dated : 02/08/2021.

None for the applicant. Shri H.K.
Pande, Id. P.O. for the respondents.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 124/2019 (S.B.)

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

Dated : 02/08/2021.

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

At the request of Id. counsel for the
applicant, **S.O. 20/8/2021**

Vice-Chairman

dnk.

O.A. 82/2020 (S.B.)

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

Dated : 02/08/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Smt. J.J. Alkari, Id. counsel for R-2.

At the request of Id. counsel for R-2, **S.O.**
9/8/2021.

Vice-Chairman

dnk.

O.A. 415/2020 (S.B.)

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

Dated : 02/08/2021.

Heard Shri R.V. Shiralkar, Id. counsel
for the applicants and Shri A.P. Potnis, Id. P.O.
for the respondents.

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

Vice-Chairman

dnk.

Rev. A. 03/2020 in O.A. 84/2019 (S.B.)

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

Dated : 02/08/2021.

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

At the request of Id. P.O., **S.O.**
11/8/2021.

Vice-Chairman

dnk.

O.A. 611/2021 (S.B.)

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

Dated : 02/08/2021.

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

2. As submitted by the Id. counsel, the applicant was working at Chaurakund range in Sipana wild life division from 1/8/2014 to 27/9/2015 and again he was working at Chaurakund range in Sipana wild life division from 28/9/2015 to 31/7/2021. The total period is 6 years, 9 months and even till now he is working there. As per impugned order dated 26/7/2021 (A-1,P-17to19) the applicant's name appears at Sr.No.3 and again he has been given posting in wild life area i.e. Maythanballa Circle, Raipur Range.

3. The learned counsel has relied G.R. dated 22/5/2017 (A-4,P-22) and he mainly relied para-B (i) at page no.26 of the G.R. which is reproduced as follows –

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i qkZdV; koj i knf'kd oufoHkkxkr cnyh dj.; kr ; koh-

4. It appears that the impugned order is passed without following the G.R. dated 22/5/2017 (A-4,P-22) particularly para-B (i) at page no.26 and hence the impugned order 26/7/2021 (A-1,P-17to19) is stayed to the extent of applicant only till filing of the reply.

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

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

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

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 612/2021 (S.B.)

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

Dated : 02/08/2021.

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

2. As pointed out by the learned counsel, the applicant was first transferred vide order dated 28/5/2019 (A-2,P-10) from Amravati to Buldhana and his name appears at Sr.No.5. Again vide impugned order dated 27/7/2021 (A-4,P-13) the applicant has been transferred from Buldhana to Paratwada. It appears that this transfer is passed without completion of normal tenure of the applicant as prescribed provisions in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005").

3. The Id. P.O. points out that in para-2 of the impugned order it is mentioned that the applicant was to relieve before 31/7/2021. However, the Id. counsel submits that the applicant is yet not relieved and still he is working in the same place.

4. In view of this situation, **the impugned order dated 27/7/2021 (A-4,P-13) is stayed till further orders.**

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

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

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

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 610/2021 (S.B.)

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

Dated : 02/08/2021.

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

2. The Id. counsel submits that the applicant is handicapped person as per document at Annex-A-1, Page no.8. The Id. counsel has relied upon the G.R. dated 15/12/2004 (A-2,P-9) in which it is mentioned that so far as possible such handicapped persons should be posted at the place where they are staying, however, while doing so administrative exigency should be also seen. The learned counsel further relied G.R. dated 9/4/2018 (A-3,P-10 to 31) and in para-1 at page no.23 following guidelines have been mentioned –

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o ; k l cdkr 'kl ukusoGkoGh fuxTer dSY; k vlns kkuq kj ts
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i kf/kdk&; kdMs l knj dSY; kl R; kph iz kkl dh; l k huj kj o in
mi yC/krsud kj R; k; k l k; k; k fBdk.kh cnyh dj.; ; k; ; koh***

3. The applicant has made representation on 11/6/2021 (A-4,P-32) regarding his transfer and requested transfer him as per G.R. dated 9/4/2018. As submitted by the Id. counsel as per para 4.3 at

page no.3 of the O.A. three posts of Head Clerk are still vacant at Nagpur. Although the respondents have issued transfer order dated 30/7/2021 (A-5,P-34) where the applicant's name appears at Sr.No.1 and he has been transferred to Wardha. It appears that the respondents have not considered vacant post at Nagpur. As submitted by the Id. counsel, the applicant was appointed against handicapped quota and in this regard he has attached document at Annex-A-1, Page no.8. As submitted by the Id. counsel, as per guidelines in G.R. dated 9/4/2018 (A-3,P-10 to 31) and particularly in para-1 at page no.23 the applicant should have been given posting as per his representation dated 11/6/2021 (A-4,P-32). Considering all these circumstances, it appears that it is injustice to the applicant.

4. In view of above observations, the impugned order dated 30/7/2021 (A-5,P-34) to the extent of the applicant only is stayed till filing of reply. In the meanwhile, the respondents should consider various points as above and the respondents are at liberty to take appropriate decision.

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

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

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

the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 615/2021 (S.B.)

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

Dated : 02/08/2021.

Heard Shri P.B. Patil, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant first filed O.A. 588/2019 for transferring the applicant outside tribal / naxal affected area and order was passed as per G.R. dated 6/8/2002. As per provisions of the said G.R. the respondents posted the applicant outside naxal affected area at Arvi, District Wardha. Now the learned counsel submitted that the applicant is ready to work at Chandrapur and he wants to continue at Chandrapur. It appears that the applicant is changing his view time to time. However, if the applicant submitted the application to continue at Chandrapur, the respondent no.3 is directed to consider his case sympathetically after receipt of the application that the applicant is ready to work at Chandrapur and upto what time he will continue to work at Chandrapur. After taking such undertaking, the respondent no.3 is at liberty to consider and decide applicant's application within three weeks from the date of receipt of the application.

Lateron –

As submitted by the Id .counsel and Id. P.O., the applicant is yet to be relieved from Chandrapur.

2. In view of this situation, status-quo be maintained till deciding of the representation submitted by the applicant for retaining at Chandrapur.

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

*dnk.

O.A.Nos.897&898/2020(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

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

Vice Chairman

Date:-02/08/2021.
aps.

O.A.No.352/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

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

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

Vice Chairman

Date:-02/08/2021.
aps.

O.A.No.458/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

C.A.No.216/2021:-

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. None for the respondent no. 2.

2. Notice on C.A. to Respondents be issued returnable in **four weeks**.

3. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. 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.

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:-02/08/2021.

aps.

O.A.No.466/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

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

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.468/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the State. Await service of respondent nos. 2
& 3.

2. **S.O. four weeks.**

Vice Chairman

Date:-02/08/2021.
aps.

O.A.St.No.915/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

C.A.No.158/2021:-

Heard Shri A.P.Tathod, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

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

Vice Chairman

Date:-02/08/2021.
aps.

Rev.No.07/2020inO.A.Nos.789,790,803to805,

857/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 02/08/ 2021.

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

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

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.508/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

C.A.No.215/2021:-

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

2. During last hearing it was pointed out that on which basis applicant's appointment order dated 10.06.2020 is continued? However, the Id. counsel for the applicant placed on record and submits that; that was by mistake; the order was issued on 22.06.2021. It appears as per receipt date. Hence, Order dated 22.06.2021 is stayed till filing of the reply.

3. **C.A. No.215/2021 for amendment is allowed.** 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.

4. After amendment, Issue notice to Respondents, returnable on four weeks. Learned C.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.**

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.396/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

C.A.No.514/2019:-

Heard Shri N.D.Thombre, 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 C.A. No. 514/2019 and as per his prayer he desires to direct the Respondent nos. 3 & 4 to redress the grievances of the applicant no. 3 which is pending since 16.11.2019.

3. The Id. P.O. desires to take latest position and instructions from the respondents, **S.O. 25.08.2021.**

Vice Chairman

Date:-02/08/2021.
aps.

O.A.No.434/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the respondents.

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

Date:-02/08/2021.
aps.

Vice Chairman

O.A.No.477/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

Heard Shri V.G.Wankhede, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. P.O. for the State.

2. As pointed out by Id. C.P.O., the Id. counsel for the applicant needs to make correction in relief sought on P.B., Pg. No. 7, the date of G.R. should be 07.08.2012. However, in relief sought and in Interim Relief both the places; the Id. counsel for the applicant has written 07.08.2017; he is directed to correct the same date. Since, the grievance of the applicant is covered by Hon'ble High Court Mumbai, Nagpur Bench in W.P. No. 7116/2014 and others respectively and also M.A.T. Nagpur Bench Judgment in O.A. No. 466/2015 who was heard and passed by the then Hon'ble Chairman of the M.A.T.. Since, O.A. is covered by both the Judgments, the same relief granted to the applicant as per the Judgment's Interim Relief in the O.A. is granted.

3. Issue notice to Respondents, returnable on six weeks. Learned C.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. six weeks.**

10. *The Id. counsel for the applicant is directed to remove office objection.*

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.478/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

Heard Shri V.G.Wankhede, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant is claiming relief by challenging G.R. dated 07.08.2012 but he has not mentioned the appointment date of the applicant. There is a difference between the Doctor who have been appointed before 07.08.2012 and those who have been appointed after 07.08.2012. The relief was given candidates by staying G.R. dated 07.08.2012 by Hon'ble High Court and M.A.T.; who were appointed before 07.08.2012. **Hence, the Id. counsel for the applicant is directed to first file appointment letter of the applicant.**

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

4. *The Id. counsel for the applicant is directed to remove office objection.*

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.479/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

Heard Shri V.G.Wankhede, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As pointed out by Id. C.P.O., applicant was appointed by G.R. dated 04.12.2017 (Annexure-A-5, P.B., Pg. No. 18) and main condition of appointment letter is on P.B., Pg. No. 20 which is below:-

" B½R; k;k [k;t xh 0; ol k; dj.; kl i frczk jkghy- "

3. So, it is clearly mentioned that since at the time of appointment; applicant was aware of the condition and accepted the same condition. Today, he is agitating the service condition i.e. against the G.R. dated 07.08.2012.

4. Issue notice to Respondents, returnable on four weeks. Learned C.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. *The ld. counsel for the applicant is directed to remove office objection.*

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.769/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 02/08/ 2021.

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

2. The Id. counsel for the applicant has filed pursis dated 02.08.2021 and submits that he wants to withdraw the O.A.. Hence, **O.A. is disposed of as withdrawn with no order as to costs.**

Vice Chairman

Date:-02/08/2021.
aps.

O.A.No.609/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 02/08/ 2021.

Shri M.M.Sudame, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant has pointed out advertisement dated 05.08.2020 (Annexure-A-7, P.B., Pg. No. 20) by M.P.S.C. for Joint Director, Geological and Mining Directorate, Group-A. There is only one post for Joint Directorate, Geological and Mining Directorate and it falls under General Category. The relevant rules of Industries, Energy and Labour Department dated 15.01.1987 (Annexure-A-8, P.B., Pg. No. 24) is also filed on record. On P.B., Pg. No. 25, Rule No. 5 which has been explained about the condition for appointment of Joint Director in Maharashtra Mining Service, in the Directorate.

3. The applicant had applied as per Annexure-A-9, P.B., Pg. No. 27 which is also filed on record. As submitted by Id. counsel for the applicant in advertisement; M.P.S.C. has prescribed experience after attaining the certificate for 10 years but subsequently vide there correspondence dated 20.07.2021 (Annexure-A-12, P.B., Pg. No. 33) they have mentioned it 23 years, 10 months and 17 days. As per O.A., P.B., Pg. No. 3 in para no. 4.2; applicant claims to have experience of 17 years, 03 months and 20 days in Government as Sr. Geologist, Group-A and he further submits that he had experience of 07 years, 05 months and 25 days which is more than letter issued by M.P.S.C. on P.B., Pg. No. 33 i.e. 23 years, 10 months and 17 days.

4. However, as pointed out by Id. C.P.O., Annexure-A-1, P.B., Pg. No. 13, Applicant passed Master of Science Degree (Technology) (Faculty of Science) in Summer-1995 and the same Degree is awarded on December 30, 1996. Since, he passed in Summer-1995; so he becomes eligible for counting of experience from the Summer-1995; when he passed requisite qualification.

5. The applicant is also having experience in Private Company and the certificate is filed on Annexure-A-3, P.B., Pg. No. 16; where applicant is mentioned D.O.J. as 11.09.1995 and date of relieving is 14.05.1996. Since, he had passed the examination in Summer-1995 this year should be also counted for experience of the applicant. Whereas M.P.S.C. has published list of eligible candidates which is at Annexure-A-11, P.B., Pg. No. 32 in which 08 successful candidates names are published and applicant name is not appeared in this list. Aggrieved with this order, applicant submitted representation to the Secretary, M.P.S.C., Mumbai and as submitted by Id. counsel for the applicant; he was not granted any hearing.

6. If, applicant is not considered for Interview on 05.08.2021 it will be irreparable damage to the carrier of the applicant.

7. In view of this circumstances, Respondent no. 1 is directed to consider the applicant in Interview dated 05.08.2021 for the advertised post and keep the applicant's result in a sealed envelope till final outcome of the O.A. Respondent no. 1 should also give personal hearing to the applicant and examine his documents of experience and whatever documents is not considered and explain the applicant and try to redress his grievance by personal hearing.

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

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

10. 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.

11. 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.

12. 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.

13. 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.

14. **S.O. six weeks.**

15. **Steno copy is granted.**

15. *Put up this matter along with O.A. Nos. 613 & 614/2021.*

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.613/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 02/08/ 2021.

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

2. The Id. counsel for the applicant has pointed out advertisement dated 05.08.2020 (Annexure-A-1, P.B., Pg. No. 9) by M.P.S.C. for Joint Director, Geological and Mining Directorate, Group-A. There is only one post for Joint Directorate, Geological and Mining Directorate and it falls under General Category. The relevant rules of Industries, Energy and Labour Department dated 15.01.1987 (Annexure-A-3, P.B., Pg. No. 19) is also filed on record. On P.B., Pg. No. 20, Rule No. 5 which has been explained about the condition for appointment of Joint Director in Maharashtra Mining Service, in the Directorate.

3. The applicant had applied as per Annexure-A-2, P.B., Pg. No. 13 which is also filed on record. As submitted by Id. counsel for the applicant in advertisement; M.P.S.C. has prescribed experience after attaining the certificate for 10 years but subsequently vide there correspondence dated 20.07.2021 (Annexure-A-4, P.B., Pg. No. 22) they have mentioned it 23 years, 10 months and 17 days. As per O.A.; applicant claims to have experience of 24 years in Government Sector which is more than letter issued by M.P.S.C. on P.B., Pg. No. 33 i.e. 23 years, 10 months and 17 days.

4. Whereas M.P.S.C. has published list of eligible candidates which is at Annexure-A-4, P.B., Pg. No. 22 in which 08 successful candidates names are published and applicant name is not appeared in this list. Aggrieved with this order, applicant submitted representation to the Secretary, M.P.S.C., Mumbai and as submitted by Id. counsel for the applicant; he was not granted any hearing.

5. If, applicant is not considered for Interview on 05.08.2021 it will be irreparable damage to the carrier of the applicant.

6. In view of this circumstances, Respondent no. 1 is directed to consider the applicant in Interview dated 05.08.2021 for the advertised post and keep the applicant's result in a sealed envelope till final outcome of the O.A. Respondent no. 1 should also give personal hearing to the applicant and examine his documents of experience and whatever documents is not considered and explain the applicant and try to redress his grievance by personal hearing.

7. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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.

13. S.O. six weeks.

14. Steno copy granted.

14. *Put up this matter along with O.A. Nos. 609 & 614/2021.*

Vice Chairman

Date:-02/08/2021.

aps.

O.A.No.614/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 02/08/ 2021.

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

2. The Id. counsel for the applicant has pointed out advertisement dated 05.08.2020 (Annexure-A-1, P.B., Pg. No. 9) by M.P.S.C. for Joint Director, Geological and Mining Directorate, Group-A. There is only one post for Joint Directorate, Geological and Mining Directorate and it falls under General Category. The relevant rules of Industries, Energy and Labour Department dated 15.01.1987 (Annexure-A-3, P.B., Pg. No. 17) is also filed on record. On P.B., Pg. No. 18, Rule No. 5 which has been explained about the condition for appointment of Joint Director in Maharashtra Mining Service, in the Directorate.

3. The applicant had applied as per Annexure-A-2, P.B., Pg. No. 13 which is also filed on record. As submitted by Id. counsel for the applicant in advertisement; M.P.S.C. has prescribed experience after attaining the certificate for 10 years but subsequently vide there correspondence dated 20.07.2021 (Annexure-A-4, P.B., Pg. No. 20) they have mentioned it 23 years, 10 months and 17 days. As per O.A.; applicant claims to have experience of 24 years in Government Sector which is more than letter issued by M.P.S.C. on P.B., Pg. No. 33 i.e. 23 years, 10 months and 17 days.

4. Whereas M.P.S.C. has published list of eligible candidates which is at Annexure-A-4, P.B., Pg. No. 20 in which 08 successful candidates names are published and applicant name is not appeared in this list. Aggrieved with this order, applicant submitted representation to the Secretary, M.P.S.C., Mumbai and as submitted by Id. counsel for the applicant; he was not granted any hearing.

5. If, applicant is not considered for Interview on 05.08.2021 it will be irreparable damage to the carrier of the applicant.
6. In view of this circumstances, Respondent no. 1 is directed to consider the applicant in Interview dated 05.08.2021 for the advertised post and keep the applicant's result in a sealed envelope till final outcome of the O.A. Respondent no. 1 should also give personal hearing to the applicant and examine his documents of experience and whatever documents is not considered and explain the applicant and try to redress his grievance by personal hearing.
7. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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.
13. **S.O. six weeks.**
14. **Steno copy granted.**
15. *Put up this matter along with O.A. Nos. 609 & 613/2021.*

Vice Chairman

Date:-02/08/2021.
aps.