

O.A. 59/2022 (S.B.)

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

Dated : 24/03/2022.

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

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

Interim relief to continue till then.

Member (J).

dnk.

O.A. 782/2021 (S.B.)

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

Dated : 24/03/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&3, Shri N.D. Thombre, Id. counsel for R-4 and Shri Bhalerao, Id. counsel for R-2.

At the request of Id. P.O., **S.O. three weeks** for filing reply of R-1.

Member (J).

dnk.

O.As. 168 & 169 of 2018 (S.B.)

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

Dated : 24/03/2022.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 206/2018 (S.B.)

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

Dated : 24/03/2022.

Heard Shri J.S. Wankhede, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&3 and Shri H.D. Marathe, Id. counsel for R-2.

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

Member (J).

dnk.

O.A. 280/2018 (S.B.)

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

Dated : 24/03/2022.

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

The Id. P.O. files reply of R-3. It is taken on record. He submits that reply of R-3 is sufficient to decide the matter.

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

S.O. in due course.

Member (J).

dnk.

O.A. 190/2019 (S.B.)

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

Dated : 24/03/2022.

Shri S.A. Kalbande, 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. one week** for filing reply.

Member (J).

dnk.

O.A. 216/2019 (S.B.)

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

Dated : 24/03/2022.

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 346/2019 (S.B.)

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

Dated : 24/03/2022.

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

Await service of R-2&3.

S.O. three weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 47/2020 (S.B.)

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

Dated : 24/03/2022.

Heard Shri S.S. Bhalerao, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Smt. Alkarni, Id .counsel for R-2&3.

It is submitted that reply is already filed on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1.

S.O. 29/3/2022.

Member (J).

dnk.

O.A. 866/2021 (S.B.)

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

Dated : 24/03/2022.

Shri Meshram, Id. counsel holding for
Shri P.D. Meghe, Id. counsel for the applicant,
Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 & 6
and none for other respondents.

At the request of Id. P.O., **S.O. three
weeks** for filing reply of R-1 to 5.

Member (J).

dnk.

O.A. 874/2021 (S.B.)

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

Dated : 24/03/2022.

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

The Id. P.O. files reply of R-1&2. It is taken on record and copy is given to the applicant. The Id. P.O. submits that it is sufficient to decide the matter.

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

S.O. 1st week of April,2022.

Interim relief to continue till then .

Member (J).

dnk.

O.A. 996/2021 (S.B.)

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

Dated : 24/03/2022.

Heard Shri S.U. Nemade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3&5 to 8 and Shri Kukday, Id. counsel for R-4.

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

Member (J).

dnk.

O.A. 1024/2021 (S.B.)

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

Dated : 24/03/2022.

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

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

Member (J).

dnk.

O.A. 1036/2021 (S.B.)

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

Dated : 24/03/2022.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 & 2. None for other respondents.

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

Member (J).

dnk.

O.A. 1088/2021 (S.B.)

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

Dated : 24/03/2022.

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

The Id. P.O. files reply of R-2. It is taken on record and copy is given to the applicant. He submits that reply of R-2 is sufficient to decide the matter.

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

S.O. in due course.

Member (J).

dnk.

O.A. 78/2022 (S.B.)

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

Dated : 24/03/2022.

Heard S.T. Godbole, Id. counsel for the
applicant and Shri H.K. Pande, Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. three weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 200/2017 (S.B.)

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

Dated : 24/03/2022.

None for the applicant. Heard Shri V.A. Kulkarni, Id. P.O. the respondents.

Reply is already filed on record. Delay is already condoned.

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

S.O. 12/4/2022.

Member (J).

dnk.

O.A. 625/2017 (S.B.)

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

Dated : 24/03/2022.

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

2. The Id. P.O. submits that he has not received any instructions in respect of order dated 26/7/2021 and therefore he wants two weeks time.

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

Member (J).

dnk.

O.A. 324/2022 (S.B.)

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

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

Dated : 24/03/2022.

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The learned counsel for the applicant has pointed out order dated 31/3/2021 by which 90% provisional pension is given to the applicant and 10% is deducted because of pendency of the departmental enquiry against the applicant. Whereas the order dated 18/1/2022 shows about sanction of initiate departmental enquiry on 18/1/2022.

3. The learned counsel for the applicant has pointed out the Section 130 of the Maharashtra Civil Services (Pension) Rules. As per the Section of 130 of the MCS (Pension) Rules, maximum provisional pension is to be granted to the employees during the pendency of the enquiry. **Hence, the impugned order is stayed until further orders.**

4. Issue notice to the respondents returnable **after four 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 four weeks.

Steno copy is granted...

Member (J).

dnk.

O.A. 122/2020 (S.B.)

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

Dated : 24/03/2022.

Heard Shri N.D. Thombre, 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. 5/4/2022.**

Member (J).

dnk.

O.A. 472/2021 (S.B.)

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

Dated : 24/03/2022.

Heard Shri K. Deogade, Id. counsel for the applicant, Shri A.M. Khadatkar, learned P.O. for R-1 to 3 and none for respondent no.4.

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

Member (J).

dnk.

O.A. 872/2021 (S.B.)

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

Dated : 24/03/2022.

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

2. The learned counsel for the applicant pointed out decision in case of **Atul Ramdas Dabare Vs. State of Maharashtra & Ors.** As per his submission, the applicant is Police Patil and at the time of service, he kept under suspension since more than three months.

3. The learned P.O. is directed to get instructions as to whether enquiry is started against the applicant or not.

S.O. two weeks.

Steno copy is granted...

Member (J).

dnk.

O.As. 993,1052 & 1053 of 2021 (S.B.)

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

Dated : 24/03/2022.

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

Closed for orders.

Member (J).

dnk.

O.A. 729/2021 (S.B.)

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

Dated : 24/03/2022.

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

S.O. 25/3/2022 (PH).

Member (J).

dnk.

O.A. 484/2019 (S.B.)

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

Dated : 24/03/2022.

Heard Shri A.P. Sadavarte, 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. 4/4/2022.**

Member (J).

dnk.
*

O.A. 162/2021 (S.B.)

(Mrs. C.M. Pathak Vs. State of Mah. & Ors.)

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

Dated : 24/03/2022.

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

2. The applicant was working as a Laboratory Technician with the respondents from 20/3/1985. She came to be retired on 30/9/2019. Before her retirement, her service book was sent for verification to the Pay Verification Unit and it was found that the excess amount Rs.19,710/- was paid more than that what she was entitled. The applicant retired on 30/9/2019. On 2/9/2020, the respondents have recovered Rs.19,710/- from the applicant.

3. The learned counsel for the applicant has submitted that after the retirement recovery from Class-III employee is not permissible in view of the Judgment of Hon'ble Apex Court **in case of State Of Punjab & Ors vs. Rafiq Masih (White Washer) decided on 18 December, 2014** in Civil Appeal No. 11527 OF 2014 (Arising out of SLP(C) No. 11684 of 2012). The learned counsel for the applicant has also pointed out the Judgment of Hon'ble Bombay High Court in Writ Petition No.1192/2021 and submitted that the applicant is entitled for interest @ 6% p.a. from the date of recovery.

4. There is no dispute about the recovery of Rs. 19,710/- on 2/9/2020. The applicant came to be retired on 30/9/2019. The recovery is after the retirement of the applicant. She was working as a Class-III employee. In view of the Judgment of Hon'ble Apex Court **in case of State Of Punjab & Ors vs. Rafiq Masih (White Washer) (cited supra)**, the respondents cannot recover the amount from the retired Class-III employee. The specific following directions are given in para-18 of the said Judgment -

“18. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-

(i) *Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*

(ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

(iii) *Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

(iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

(v) *In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

5. The Hon'ble Bombay High Court in para-11 directed the respondents to refund the amount with interest @ 6% p.a. from the date of recovery till such amount is paid.

6. There is no dispute about the recovery of Rs.19,710/-. Hence, In view of the cited Judgments by the applicant, the following order is passed –

ORDER

(i) The O.A. is allowed.

(ii) The impugned order dated 02/09/2020 is quashed and set aside.

(iii) The respondents are directed to refund the amount of Rs.19,710/- along with interest @ 6% p.a. from the date of recovery, i.e., 2/9/2020 till the payment is made to the applicant within a period of three months from the date of receipt of this order.

(iv) No order as to costs.

Member (J).

dnk.*

Review App. No. 01/2021 in O.A. 100/2020 (S.B.)

(The Principal Secretary, Home Dept. & 2 ors (Org. respondents) Vs. P.S. Khobragade (Org. applicant)

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

Dated : 24/03/2022.

ORDER

Heard Shri H.K. Pande, learned P.O. for Original respondents and Shri G.K. Bhusari, learned counsel for Original applicant.

2. The learned P.O. has submitted that letter dated 17/12/2020 was not brought to the notice of this Tribunal before passing the impugned Judgment. The learned P.O. has submitted that after passing the Judgment, the Original respondents got this letter and therefore prayed to Review the order passed by this Tribunal on 24/12/2020.

3. Heard Shri G.K. Bhusari, learned counsel for original applicant. He has pointed out para-7 of the Judgment and submitted that the transfer order was cancelled by the Home Minister. That order was not followed by the Original respondent no.2, i.e., The Additional Director General of Police, Mumbai and respondent no.3 i.e., The Commissioner of Police, Amravati. Instead of following directions of Home Minister, they requested the Home Minister to review the transfer order. In the O.A., specific direction was given to the Original respondents / authority to permit the applicant to resume duty.

4. Even after the Judgment of this Tribunal, the Original respondents / authority are not allowing the applicant to join duty since July, 2018, as per the submission of Shri G.K. Bhusari, learned counsel.

5. To review the own order by the Tribunal / Court, the some principles are laid down. As per the principles, there should be prima facie error in the order, then only order can be reviewed. From the perusal of the Judgment dated 24/12/2020 nothing error is found. The learned P.O. has pointed out the letter dated 17/12/2020. This letter does not show that there was any decision reviewing the order of Minister. From the letter filed on record dated 20/12/2018, in last para it is specifically mentioned that facts should be brought to the notice of Hon'ble Minister and order should be reviewed. There is nothing on record to show that the Hon'ble Minister has reviewed the order. Even If it is reviewed, then also the Judgment cannot be said to be illegal or erroneous, because, the remedy was available to the Original respondents / authority to challenge before the Hon'ble High Court. There is nothing illegal in the impugned order. It appears that Original respondents / Police Officers are intentionally harassing the original applicant. Even after the specific direction given by this Tribunal by order dated 24/12/2020 they are not allowing the Original applicant / Police Constable to join his duty. As per the submission of learned counsel Shri Bhusari, the original applicant is not receiving any salary since 5/7/2018.

6. It appears that original respondent / authority is intentionally harassing the original applicant / Police Constable. First of all they approached to the Home Minister to review the order and when the order was not reviewed by the Home Minister, they approached to this Tribunal to review the order passed by this Tribunal dated 24/12/2020.

7. In that view of the matter, there is nothing error in the order dated 24/12/2020. Hence, the Review Application is dismissed. No order as to costs.

Member (J).

dnk.

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

(S.D. Raut & 5 ors. Vs. State of Mah. & Ors.)

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

Dated : 24/03/2022.

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

2. The applicants are working on the posts as per the following Chart (in column no.3) –

CHART SHOWING DETAILS OF THE APPLICANTS.

Sr. No.	Names of employees	Post Held by them in Gadchiroli district	Period of positing in Gadchiroli district
1	2	3	4
1	Sudhakar Devaji Raut, aged 58 years, RI o 1/ 36, Sadbhavana Nagar, Nagpur.	Sub- Inspector of Police at Aheri	1.1.2010 to 23.7.2012
2	Rajendra Mahadeorao Naik, aged 56 years, Rio Chhatrapati Nagar, Tukum, Chandrapur.	Assistant Sub-Inspector of police at Aheri	10.8.2015 to 31.3.2016
3	Suresh Narayan Chikhalkar, aged 60 years, RI o Durga Nagar, Jaitala, Hingna road, Nagpur.	Assistant Sub-Inspector of police at Aheri	10.7.2010 to 31.11.2011
4	Vi jay Vitthalrao Parteki, aged 44 years, Rio 85, Jaimahakali Nagar, Manewada, Nagpur.	Assistant Sub-Inspector of Police, Gadchiroli head Quarter.	4.10.2013 to 31.12.2015
5	Avinash Mithailal Padole, aged 55 years, RI o Behind Mount Carmel School, Chandrapur.	Assistant Sub-Inspector of Police, Gadchiroli head Quarter.	1.7.2013 to 31.12.2015
6	Balaji Sambhaji Khandade, aged 54 years, Rio Yashoda Nagar, Latur.	Head Constable masklaskar at Aheri.	21.6.2010 to 18.7.2012

3. All the applicants were working at Aheri and Police Head Quarters, Gadchiroli. They were working in the wireless Department as per above Chart. The Govt. has issued G.R. dated 11/01/2010. As per said G.R., Police Officers / employees of the Police Department who are working in the sensitive area of Gadchiroli district, are entitled to get their pay and D.A. 1.5 times more. The applicants were denied the said benefit only on the ground that they were not working in the field / forest.

4. In the reply, the respondents have stated that the applicants did not work / participate in any anti-naxal operations that were conducted by the Security Force for combating the violent activities of naxalite in Gadchiroli District. The applicants being posted in Gadchiroli District, availed the benefits of one step hike in salary, therefore, the applicants are not entitled for the said allowance of 1.5 time more of salary.

5. The similarly situated employees filed the O.A.No. 889/2012 before this Tribunal. That O.A. was decided on 18/6/2015. This Tribunal has allowed the O.A. and directed the respondents to give the benefits of G.R. dated 11/1/2010. The said Judgment was challenged by the respondents before the Hon'ble High Court, Bench at Nagpur in Writ Petition No.2568/2016. The Hon'ble High Court has rejected the said petition and further directed the State Government / respondents to implement the order passed by this Tribunal within a period of two months.

6. The learned counsel for the applicant, Shri R.V. Shiralkar has pointed out letter dated 26/5/2020 issued by the Additional Superintendent of Police, Gadchiroli in which it is stated that the applicants were not the party in the said O.A. and therefore they are not entitled to get benefit of G.R. dated 11/1/2010.

7. There is also G.R. of Government of Maharashtra which says that when similarly situated employees are getting the benefit of the same G.R. / Judgment, then the similarly situated

employees should be given the same benefit. It appears that the respondents have overlooked the said G.R. The applicants are deprived of the benefit of G.R. dated 11/1/2010 only on the ground that they did not approach to this Tribunal. There is no other reason to deny the benefit of the G.R. to the applicants. In that view of the matter, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to give the benefit of G.R. dated 11/1/2010 to the applicants as shown in para-2 of the Chart. The order be complied within a period of two months from date of receipt of this order.
- (iii) No order as to costs.

Member (J).

dnk.**

O.A.206/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

None for the applicant. Shri V.K.
Kulkarni, Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

Skt.

C.P.37/20 in O.A.871/2017 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

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

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

Member (J)

Vice-Chairman

Skt.

C.P.38 in O.A.113/2017 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

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

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

Member (J)

Vice-Chairman

Skt.

O.A.555/2018 with C.A.
Nos.245/19,305/19 & 392/21 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri P.A. Zibhkate, Id. counsel for the applicant. Shri S. Deo , Id. C.P.O. for the Respondents Nos. 1 to 3. None for R/4 & 5.

Ld. C.P.O. submitted that such other identical matters are pending before this Bench. He has already supplied the list of those such matters. This matter be listed alongwith such those matters.

S.O.5/4/2022 .

Member (J)

Vice-Chairman

Skt.

O.A.821/2018 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri G.G. Bade, Id. counsel for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

Ld. counsel for the applicant has filed Pursis dtd. 22/03/2022 stating that the applicant does not want to prosecute the O.A. He seeks permission to withdraw the O.A. unconditionally. Hence, the O.A. stands disposed of as withdrawn with no order as to costs.

Member (J)

Vice-Chairman

Skt.

O.A.59/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Sau. A. Pardhi, Id. counsel for the applicant. Shri H.K. Pande, Id. P.O. for the respondents.

Ld. P.O. desires 3 weeks time to file reply.

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

Member (J)

Vice-Chairman

Skt.

O.A.397/2021(D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri S.U. Bhuyar, Id. counsel for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

Ld. P.O. has filed reply on behalf of R/3. The copy of the same is supplied to the other side. Ld. P.O. submits that it is sufficient to decide the O.A.

O.A. is admitted and be listed for final hearing.

S.O. 4 weeks.

Member (J)

Vice-Chairman

Skt.

O.A.72/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri A.P. Barahate, Id. counsel for the applicant. Shri A.M. Ghogare, Id. P.O. for the respondents.

Ld. P.O. desires to file reply. At the request of Id. P.O., **S.O. Two weeks** to file reply.

Member (J)

Vice-Chairman

Skt.

O.A.211/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri P. Ramteke, Id. counsel for the applicant. Shri A.M. Ghogare, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. Two weeks** .to file service affidavit of R/2 & 3.

Member (J)

Vice-Chairman

Skt.

O.A.213/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri B.J. Lonare, Id. counsel for the applicant. Shri V.K. Kulkarni, Id. P.O. for the respondents.

Notice not served to R/2. Ld. counsel for the applicant submits that during the course of the day, he files the same.

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

Member (J)

Vice-Chairman

Skt.

C.P.09/20 in O.A.477/2013 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri K. Kalidas, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

Ld. counsel for the applicant seeks time to serve the notice. Two weeks time granted to serve the notice.

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

Member (J)

Vice-Chairman

Skt.

**C.A. Nos.223/20 & 149/21 in
O.A.263/2022 (D.B.)**

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri R.V. Shiralkar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

Ld. P.O. submits that reply is ready, but he wants to file reply to the amended portion. He would file reply with the amended portion during the course of the day.

Matter is admitted and it be kept for final hearing in the next week.

S.O.31/03/2022 .

Member (J)

Vice-Chairman

Skt.

O.A.1130/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri V.M. Moon, Id. counsel for the applicant. Shri A.M. Ghogare, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. Four weeks** to file reply of R/1.

Member (J)

Vice-Chairman

Skt.

O.A.135/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri A.D. Mohgaonkar, Id. counsel for the applicant. Shri S. Deo, Id. C.P.O. for the respondents.

Ld. C.P.O. desires to file reply on behalf of R/2 to 5.

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

Member (J)

Vice-Chairman

Skt.

O.A.136/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri A.D. Mohgaonkar, Id. counsel for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

Ld. P.O. desires to file reply on behalf of R/2 to 5.

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

Member (J)

Vice-Chairman

Skt.

O.A.137/2022 (D.B.)

**Coram Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri A.D. Mohgaonkar, Id. counsel for the applicant. Shri A.M. Kulkarni, Id..P.O. for the respondents.

Ld. P.O. desires to file reply on behalf of R/2 to 5.

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

Member (J)

Vice-Chairman

Skt.

O.A.138/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

Shri A.D. Mohgaonkar, Id. counsel for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

Ld. P.O. desires to file reply on behalf of R/2 to 5.

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

Member (J)

Vice-Chairman

Skt.

O.A.593/2013 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri P.V. Thakre, Id. counsel for the applicant. Shri H.K. Pande, Id. P.O. for the respondents No. 1 to 3. None for Respondent Nos. 4, 5 & 6.

At the request of Id. counsel for the applicant, **S.O. One week** .

Member (J)

Vice-Chairman

Skt.

O.A.10/2014 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Shri P.V. Joshi, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

This matter pertains to increment. Hence, office is directed to list this matter before the Single Bench.

S.O. 28/03/2022.

Member (J)

Vice-Chairman

Skt.

O.A.13/2017 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 24/03/2022.

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

At the request of Id. P.O., **S.O. 4/04/2022**

Member (J)

Vice-Chairman

Skt.

O.A.211/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 24/03/2022.

Applicant. in person present . Shri H.K. Pande, Id. P.O. for the respondents.

Ld. P.O. states that the record is received from the department of the applicant.

Ld. P.O. as well as Id. counsel for the applicant to examine the papers in the chamber of the Dy. Registrar, M.A.T.,Nagpur within a week's time. Matter will be listed in the second week of April.

S.O. 12/04/2022 .

Member (J)

Vice-Chairman

Skt.

O.A.No.32/2016 (D.B.)

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

&

**Hon.Shri M.A.Lovekar :
Member(J)**

Dated : 24/03/ 2022.

Shri M.D. Ramteke. Ld. Counsel
for the applicant . Shri M.I. Khan, Id. P.O.
for the Respondents.

A detailed order dtd.29/03/19
was passed by the Division Bench of this
Tribunal. In para 2 of the said order, it is
mentioned that by the appointment order
it appears that Ku.Trupti Deoraaji
Vaidhya & Ku. Swati Mangal Masarkar
have been appointed from Open category.
However, the Ld. Counsel for the applicant
was directed to file on record those
documents. In reply of the Ld. P.O., paras
6 & 7 appear to be contradictory.

Therefore, Ld. P.O. was directed to clarify the contents in para 6 & 7 of reply. Ld. P.O. is also directed to inform the name of the candidate who was appointed on the post reserved for SC (Sports category) alongwith its appointment letter.

Ld. P.O. yet to file their documents.

3 weeks time is granted to file the documents.

S.O. 3 weeks.

Member (J)

Vice-Chairman

Date : 24/03/22

Skt.

Cont.Petn.27/22 in O.A.No.853/21(D.B.)

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

Dated : 24/03/2022.

Shri S.P. Palshikar, Ld. Counsel for
the applicant . Shri M.I. Khan, Ld. P.O. for
the Respondents.

At the request of Ld. Counsel for
the applicant the matter is adjourned to
29/03/2022.

Member (J)

Vice-Chairman

Date : 24/03/22

Skt.

O.A.No.07/21(D.B.)

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

&

**Hon.Shri M.A.Lovekar :
Member(J)**

Dated : 24/03/2022.

Heard Shri B.K. Kulkarni, Ld.
Counsel for the applicant & Shri V.K.
Kulkarni, Ld. P.O. for the Respondents.

We have gone through the letter
published by the respondents
dtd.8/6/2020,Ananex.A-7, Page 39

alongwith seniority list, at Page 40. The applicant is at Sr. No.1.

In para 9, the respondents have submitted that as per G.R. dtd.4/12/2019, they have published seniority list on 2/06/2020. The applicant is having 1st position to consider for promotion as a group-C post . The respondents have also filed on record the sanctioned staffing pattern alongwith the list of posts (Annex-A-5). Ld. P.O. invited our attention to para 11 of the reply of the respondents wherein it is stated that total 04 posts are surplus. Now, in this situation the respondents are directed as per their reply in para 9 and G.R. dtd.4/12/2019 and brought before the Tribunal by way of Re-joinder filed by the applicant, in para 5, he has mentioned that two posts are vacant in Class III, the respondents to consider that portion of the Re-joinder also and promote the applicant after conducting D.P.C. as per rule at earliest.

The O.A. stands disposed of with this direction.

Member (J)

Vice-Chairman

Date : 24/03/22

Skt.