

O.A. Nos. 648,652,653,654 & 655 of 2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

Shri D.M. Kakani, Id. counsel for the applicants and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
09/12/2019.

Member (J)

dnk.

O.A. No. 256/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

Shri S.W. Kolhe, Id .counsel holding
for Shri S.R. Deshpande, Id .counsel for the
applicant, Shri H.K. Pande, Id. P.O. for R-1 to
4 and none for R-5.

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

Member (J)

dnk.

O.A. No. 430/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1&3. There is a leave note from Shri H.D. Marathe, Id. counsel for R-2.

The order dated 1/11/2018 is not yet complied with.

The matter be kept for hearing in due course.

S.O. in due course.

Member (J)

dnk.

O.A. No. 956/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2&3.

The Id. counsel for the applicant submitted that respondent nos. 2&3 are served and he will file service affidavit on the next date. At his request, **S.O. three weeks**.

Member (J)

dnk.

O.A. No. 659/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

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

The Id. P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant.

Heard. Admit.

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

S.O. two weeks.

Member (J)

dnk.

O.A. No. 891/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

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

Member (J)

dnk.

O.A. No. 403/2019 (SB)

(Dr. M.O. Chandankhede Vs. State of Mah.)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

Heard Shri N.R. Saboo, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and none for R-5.

2. It is submitted that on 19/7/2019 & 18/11/2019 proposal is forwarded by the Joint Director, (Finance and Administration), Public Health Directorate, Mumbai to the Chief Secretary, Public Health Department, Mumbai. The Joint Director has recommended to change the place of posting of the applicant. In this situation, the respondents are directed to take decision on this proposal within two weeks. The respondents are also directed not to fill in the post in Sub District Hospital, Kamptee, District Nagpur if it is already not filled in .

S.O. 13/12/2019.

Steno copy is granted...

Member (J)

dnk.

O.A. No. 373/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

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

The Id. P.O. is directed to seek presence of the Officer on the establishment of Pay Unit, Chandrapur to assist this Bench.

S.O. 14/12/2019.

Member (J)

dnk.

O.A. No. 278/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

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

The matter be listed before the Bench dealing with such matters.

S.O. 13/12/2019.

Member (J)

dnk.

O.A. No. 963/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

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

The concerned P.O. is not present before the Bench as he is arguing the matter before another Single Bench. The matter be kept on **16/12/2019**.

Member (J)

dnk.

O.A. No. 83/2019 (SB)

(G.P. Mohbanshi Vs. State of Mah.)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

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

2. The applicant is retired Government servant. He stood retired in the year 2014. Vide order dated 4/9/2019 direction was given to the respondent no.2 to take decision in the departmental inquiry, because it was submitted before the Bench that the inquiry was completed and the applicant was exonerated by the Inquiry Officer. Thereafter direction was given to the respondent no.2 to take decision within three weeks. This direction was given on 3/10/2019, but nothing was done till 13/11/2019. This Bench again passed specific order on 13/11/2019 and directed the respondents to pass final order within two weeks. It was observed that on failure of the respondents to pass final order, they shall release all the retiral benefits to the applicant.

3. Now today the application is moved by the Deputy Commissioner (Administration) Social Welfare, Commissionerate (M.S.),

Pune with a request to give three months time for taking decision regarding awarding punishment. In view of the earlier specific order passed by the Bench, it seems that the respondents have consumed too much time in taking any decision though the inquiry was completed and the applicant was exonerated by the Inquiry Officer. Under these circumstances, it is not suitable to give three months time to the respondents. However in the interest of justice two weeks time is given to the respondents to release the pensionary benefits.

S.O. after two weeks.

Steno copy is granted...

Member (J)

dnk.

O.A. No. 949/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

C.A. 445/2019 -

Heard Shri P.Mehta, Id. counsel for the applicants and Shri S.A. Sainis, Id. PO for the State.

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

O.A. 949/2019 –

Heard Shri P.Mehta, Id. counsel for the applicants and Shri S.A. Sainis, Id. PO for the State.

2. It is submission of the applicants that vide order dated 22/11/2019 (Annex-A-1, P-16 to19) all the applicants are transferred by the Joint Commissioner, Sales Tax, Head Quarter (M.S.), Mumbai to the respective place shown in Column-4 of the transfer order. I have perused the transfer order which is in challenge, the order commences

with a word "till further orders". This means that this not a transfer, but it is a stop gap arrangement, therefore, in my opinion it is not suitable to grant interim relief. The respondents to explain whether the order is transfer or not on returnable date.

3. Issue notice to R-2 to 5, returnable on **05/12/2019**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

directed to file Affidavit of compliance and notice.

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

S.O. 05/12/2019.

Member (J)

dnk.

O.A. No. 951/2019 **(SB)**

(Dr. N.N. Patane Vs. State of Mah.)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.11.2019

Heard Shri D.P. Dapurkar, Id. counsel for the applicants and Shri S.A. Sainis, Id. PO for the State.

2. In O.A. No.663/2019 specific direction was given to the respondents to decide the representations made by the applicant on 26/3/2019, 9/4/2019 and 14/7/2019 within a period of three months from the date of the order (dtd.23/8/2019). The learned counsel for the applicant submitted that the applicant's representations are not decided and the respondents have modified the transfer orders of the another similarly placed employees. In this situation, it is suitable to issue notices to the respondents returnable on 9/12/2019.

3. Issue notice to R-2 & 3, returnable **on 9/12/2019** Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

S.O. 9/12/2019.

Steno copy is granted...

Member (J)

dnk. *****

O.A.No.846/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Shri U.J.Deshpande, 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. two weeks.**

Vice

Chairman
Date:-29/11/2019.
aps.

O.A.No.894/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogle, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant submits that he will serve the respondent no. 2 during the course of the day. The Id. counsel for the applicant further submits that at Annexure-A-1, P.B., Pg. No. 13, the suspension order was issued on 06/01/2019 and three persons were suspended by the said order, out of that Sr. No. 1 and Sr. No. 3 have filed the O.A. i.e. O.A. Nos. 463 & 464/2019, in which order was passed on 26/07/2019 and they both persons have been reinstated. However, applicant in this O.A. who had at Sr. No. 2 in the suspension order was not a party in the previous O.A.. Now, he has not been reinstated and aggrieved with this decision he has filed this O.A.

3. The Id. P.O. desires to take instructions from the department, **S.O. 03/12/2019.**

Vice

Chairman

Date:-29/11/2019.

aps.

O.A.No.593/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

C.A.No.430/2019:-

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

2. **C.A.No.430/2019 for early hearing is allowed.**

3. **S.O. 16/12/2019.**

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.No.169/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

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

2. The Id. P.O. pointed out order of D.I.G., Amravati at P.B., Pg. No. 32 in that order itself is mentioned that applicant can prefer an appeal within 60 days which was passed on 13/12/2018. Without going in appeal before Director General of Police, Mumbai, today the Id. counsel for the applicant has communicated that applicant has not preferred this channel of appeal because he does not feel that he will get any relief.

3. It is directed that applicant should first prefer an appeal then come to this Tribunal. The Id. counsel for the applicant is directed that he should ensure that applicant can file an appeal **within one week** time to the Director General of Police, Mumbai from the date of this order and Director General of Police, Mumbai is directed to decide the appeal **within 90 days** from the date of appeal.

4. With this direction, **O.A. is disposed of with no order as to costs.**

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.Nos. 809/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Ms. M.Iyer, 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 pointed out notification of Government of Maharashtra dated 19/09/2002 (Annexure-A-4, P.B., Pg. No. 19) and G.R. dated 21/01/1989 bearing no. 'कलु फु.क. देकड ब, I Vh 1083@480&vkrf=d%. The applicant is working as a Gauge Karkoon as listed in the said notification at Sr. No. 2(e)(8). Today, the Id. counsel for the applicant has produced before the Bench, application/ representation of the applicant to Superintending Engineer, dated 17/03/1994 again applicant has made application/representation to Superintending Engineer, dated 16/01/2017 which is at P.B., Pg. Nos. 31 & 32.

3. As per relief clause applicant's contention is that applicant is entitled for benefits as per the notification dated 19/09/2002 (Annexure-A-4, P.B., Pg. No. 19) and G.R. dated 21/01/1989 bearing no. 'कलु फु.क. देकड ब, I Vh 1083@480&vkrf=d%.

4. The Id. counsel for the applicant has filed certain documents on record. It is marked Exh. "X" and Exh. "X-1" for the purposes of identifications. It is taken on record. The Id. counsel for the applicant is directed to supply the copy to the Id. P.O. also.

5. The Respondent no. 2 i.e. Superintending Engineer, Nagpur is directed to decide the applicant's representation dated 17/03/1994 (P.B., Pg. No. 56) and 16/01/2017 (P.B., Pg. No. 31 & 32) **within two months** from the date of this order as per the existing rules and regulations in the light of notification dated 19/09/2002 (Annexure-A-4, P.B., Pg. No. 19) and G.R. dated 21/01/1989 bearing no. 'Kl u fu. k' d' d' b, l Vh 1083@480&vWk=d½. While deciding the representation, the respondent no. 2 is directed to give personal hearing to the applicant and take into consideration all the documents produced by the applicant.

6. **S.O. 04/02/2020.**

Vice

Chairman

Date:-29/11/2019.

aps.

O.A.Nos. 815 & 818/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Ms. M.Iyer, 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 pointed out notification of Government of Maharashtra dated 19/09/2002, which is at Annexure-A-4, P.B., Pg. No. 19 of the O.A. and G.R. dated 21/01/1989 bearing no. 'कलु फु.कड दकड ब, ल व 1083@480&वकड=द%'. The applicants are working as a Gauge Karkoon as listed in the said notification at Sr. No. 2(e)(8).

3. As per relief clause applicant's contention is that applicants are entitled for benefits as per the notification dated 19/09/2002 (Annexure-A-4, P.B., Pg. No. 19) and G.R. dated 21/01/1989 bearing no. 'कलु फु.कड दकड ब, ल व 1083@480&वकड=द%'. The applicants are working as a Gauge Karkoon as listed in the said notification at Sr. No. 2(e)(8).

4. The Id. counsel for the applicant has filed certain documents on record. It is marked Exh. "X" and Exh. "X-1" for the purposes of identifications. It is taken on record. The Id. counsel for the applicant is directed to supply the copy to the Id. P.O. also.

5. However, the Id. counsel for the applicant is directed to advise applicants to file

representations **within two weeks** along with all relevant documents. After receipt of representation, the Respondent no. 2 i.e. Superintending Engineer, Nagpur is directed to decide the applicant's representation **within two months** from the date of receipt of representation as per the existing rules and regulations and in the light of Government Notification dated 19/09/2002 and G.R. dated 21/01/1989 bearing no. 'kl u fu.k deld b, l Vh 1083@480&vkrf=d½. While deciding the representations, the respondent no. 2 is directed to give personal hearing to the applicants and take into consideration all the documents produced by the applicant.

6. **S.O. 04.02.2020.**

Vice

Chairman

Date:-29/11/2019.

aps.

O.A.Nos.810,811,812,813,814,816,817,819,

820,821&822/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/ 2019.

Heard Ms. M.Iyer, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent no. 3 in O.A. Nos. 817/2017 & 822/2017.

2. The Id. counsel for the applicant has pointed out notification of Government of Maharashtra dated 19/09/2002 and G.R. dated 21/01/1989 bearing no. 'kl u fu. k' d' d b, l Vh 1083@480&vkl d% The applicant is working as a Gauge Karkoon as listed in the said notification at Sr. No. 2(e)(8). Today, the Id. counsel for the applicant has produced before the Bench, applications/ representations of the applicants to Superintending Engineer, dated 16/01/2017 (O.A.No.810/2017, Annexure-A-8, P.B., Pg. Nos. 30 to 32), dated 09/12/2016 (O.A.No.812/2017, Annexure-A-8, P.B., Pg. Nos. 33 to 35), dated 09/12/2016 (O.A.No.813/2017, Annexure-A-8, P.B., Pg. Nos. 39 to 41), dated 09/12/2016 (O.A.No.814/2017, Annexure-A-9, P.B., Pg. Nos. 34 to 36), dated 08/12/2016 (O.A.No.816/2017, Annexure-A-8, P.B., Pg. Nos. 30 to 33), dated 12/12/2016 (O.A.No.817/2017, Annexure-A-8, P.B., Pg. Nos. 37 to 39), dated 09/12/2016 (O.A.No.811/2017, Annexure-A-7, P.B., Pg. Nos.

29 to 32), dated 14/12/2016 (O.A.No.822/2017, Annexure-A-8, P.B., Pg. Nos. 47 to 49), dated 09/12/2016 (O.A.No.819/2017, Annexure-A-8, P.B., Pg. Nos. 32 to 35), dated 14/12/2016 (O.A.No.820/2017, Annexure-A-9, P.B., Pg. Nos. 30 to 32), dated 04/12/2016 (O.A.No.821/2017, Annexure-A-8, P.B., Pg. Nos. 32 to 34).

3. As per relief clause applicant's contention is that applicants are entitled for benefits as per the Government Notification dated 19/09/2002 and G.R. dated 21/01/1989 bearing no. 'कलु फु.क देलु ब, ल वल 1083@480&वलु कलु-दलु.

4. The Id. counsel for the applicant has filed certain documents on record. It is marked Exh. "X" and Exh. "X-1" for the purposes of identifications. It is taken on record. The Id. counsel for the applicant is directed to supply the copy to the Id. P.O. also.

5. The Respondent no. 2 i.e. Superintending Engineer, Nagpur is directed to decide the applicant's representations (given above in para no. 2 of the same order) **within two months** from the date of this order as per the existing rules and regulations and in the light of the light of Government Notification dated 19/09/2002 and G.R. dated 21/01/1989 bearing no. 'कलु फु.क देलु ब, ल वल 1083@480&वलु कलु-दलु. While deciding the representations, the respondent no. 2 is directed to give personal hearing to the applicants and take into consideration all the documents produced by the applicants.

6. S.O. 04/02/2020.

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.No.88/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

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

2. At the request of Id. counsel for the applicant, **S.O. 03/12/2019.**

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.No.840/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

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

2. At the request of Id. counsel for the applicant, **S.O. 06/12/2019.**

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.No.189/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Shri S.G.Jagtap, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. There is a leave note of Shri H.D.Marathe, the Id. counsel for the respondent nos. 3 to 7.

2. The Id. P.O. filed reply on behalf of the respondent no. 1. It is taken on record. He will serve the reply to the other side.

3. **S.O. 10/12/2019.**

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.No.744/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the State, Shri N.Majithia, the Id. counsel for the respondent no. 2 (Z.P., Yavatmal), Ms. R.Thanekar holding for Shri S.M.Bhangde, the Id. counsel for the respondent no. 4 (Z.P., Amravati) and Ms. A.Singh, the Id. counsel for the respondent no. 5 (Z.P., Wardha). None for the respondent no. 3.

2. The respondent no. 4 submits that Z.P., Amravati will supply the information to Z.P., Wardha within two weeks as per the communication on record by Z.P., Wardha letter dated 21/05/2018 and 29/08/2018 (P.B., Pg. Nos. 76 & 77). It appears that required information is not supplied to Education Officer, Primary, Z.P., Wardha by Education Officer, Primary, Z.P., Amravati. Z.P., Amravati is admitted that within two weeks Z.P., Amravati will supply the information by hand to Education Officer, Primary, Z.P., Wardha and supply copy to the Id. counsel for the applicant also.

3. After receiving the information from Z.P., Amravati, Z.P., Wardha should fix the pay of applicant and decide it finally and communicate to the applicant also within next two weeks.

4. The Id. counsel for the respondent no. 5 submits that after receiving the information from respondent no. 4 they will finalize the pay.

5. If there is any problem or order is not compliance till 13.12.2019 then Education Officer, Primary, Z.P., Amravati is directed to present personally before this Tribunal at next date and explain the reason for not compliance of the order.

6. S.O. 13/12/2019 for compliance of the order.

7. Matter is treated as P.H.

Vice

Chairman

Date:-29/11/2019.

aps.

O.A.No.977/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. S.O. 03.12.2019.

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.Nos.178&302/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

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

2. **S.O. Tuesday i.e. 03.12.2019.**

Chairman
Date:-29/11/2019.
aps.

Vice

O.A.No.305/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.

Heard Shri B.D.Pandit, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side. He further submits that respondent no. 1 is adopted the same reply for respondent nos. 2 and 3 also.

3. As per the argument submitted, it appears that respondent had asked vide there letter at Annexure-A-6, P.B., Pg. No. 64, that there was vacancy of Assistant Engineer and for that the documents were to be submitted till 10/01/2015. However, required documents was submitted on (Annexure-A-7, P.B., Pg. No. 25) dated 18/02/2016. The respondent no. 3 i.e. Executive Engineer, Public Works Department No. 1, Nagpur while his letter dated 07/04/2016 (Annexure-A-9, P.B., Pg. No. 27) has acknowledged that provisional certificate has been received and further action has been taken. However, the Id. counsel for the applicant submits that further action is not taken till today as per his relief clause on P.B., Pg. No. 14 of the O.A. para no. 11 (A).

4. Respondents are directed to take the decision as per their own letter dated (Annexure-A-7, P.B., Pg. No. 27) **within two months** from the date of this order.

5. With this direction, **O.A. is disposed of with no order as to costs.**

6. **Steno copy is granted.**

Vice

Chairman

Date:-29/11/2019.

aps.

O.A.Nos.994 & 995/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/11/2019.**

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

2. As per the advertisement at (Annexure-R-1, P.B., Pg .No. 39) dated 01/03/2018. In the said advertisement at point no. 6 following conditions has been put. The P.O. has pointed out point no. 6 (vi) of P.B., Pg. No. 40 which is reproduced below:-

"vthkj kps pljh=; gsfu" dyad vl .ks vko'; d vks ; k ckr vthkj ; kuh i syhl foHkxkps pljh=; i ekki= vrte fuoM >ky'; k menokjl vrte fuoM ; kh i fl /n >W'; kurj 30 fnol kps vkr l knj dj .ks cakudkj d jkghy- ; k i ek.ki =kps vk/kjp ik= menokjkyk fu; phfeG.; kpk vf/kdkj jkghy"

3. The Id. P.O. pointed out the admitted fact of the applicant which is at P.B., Pg. No. 7 of the O.A. in para no. VI, it is below:-

"The impugned order dated 06.11.2018 is arbitrary in nature and is thus violative of Article 14 & 16 of the constitution of India. The applicant is being discriminated on the flimsy ground of conviction under the Bombay Gambling Act. In fact the applicant was not tried and convicted, but the applicant admitted his guilt vide pursis dated 16.04.2013 and was let off by the JMFC

Samudrapur on lavying fine of Rs. 300/- vide order dated 16.04.2013. Thus the applicant is not tried and convicted but he admitted the guilt."

4. Obviously, applicant's have not fulfilled conditions of said advertisement. Considering this points, the **O.A. is dismissed** at this stage only with no order as to costs.

Vice

Chairman

Date:-29/11/2019.

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