

O.A. No. 740/2019 **(SB)**

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

**Dated : 04.12.2019**

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

At the request of Id. counsel for the applicant, **S.O. 11/12/2019.**

**Member (J)**

dnk.

O.A. No. 559/2019 **(SB)**

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

**Dated : 04.12.2019**

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

At the request of Id. counsel for the applicant, **S.O. 11/12/2019.**

**Member (J)**

dnk.

O.A. No. 420/2019 **(SB)**

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

**Dated : 04.12.2019**

Shri G.K. Bhusari, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 440/2019 (SB)

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

**Dated : 04.12.2019**

Shri G.K. Bhusari, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

**Member (J)**

dnk.

O.A. No. 236/2019 (SB)

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

**Dated : 04.12.2019**

Shri G.K. Bhusari, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2 and none for R-3.

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

**Member (J)**

dnk.

O.A. No. 521/2019 (SB)

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

**Dated : 04.12.2019**

Shri G.K. Bhusari, Id. counsel holding for Shri R.V. Shiralkar, 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.**

**Member (J)**

dnk.

O.A. No. 501/2017 **(SB)**

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

**Dated : 04.12.2019**

Heard Shri Hemant Madankar, Id. counsel holding for Shri S.R. Charpe, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files reply of R-2. It is taken on record. It is submitted that reply of R-3 is not necessary.

**Heard. Admit.**

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

**S.O. 1<sup>st</sup> week of January,2020.**

**Member (J)**

dnk.

O.A. No. 948/2018 with C.A. 312/2019 **(SB)**

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

**Dated : 04.12.2019**

**C.A. 432/2019 -**

Heard the applicant in person and Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.A. Parihar, Id. counsel for R-4.

2. The learned P.O. files reply on behalf of R-3 to the C.A. No.432/2019. In the interest of justice, the C.A. No.432/2019 is allowed. The necessary O.A. be amended within two weeks.

**O.A. No. 948/2018 –**

**S.O. two weeks.**

**Member (J)**

dnk.



O.A. No. 606/2019 **(SB)**

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

**Dated : 04.12.2019**

Shri M.R. Patil, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply.

**Member (J)**

dnk.

O.A. No. 674/2019 (SB)

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

**Dated : 04.12.2019**

Ms. Bambole, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply.

**Member (J)**

dnk.

O.A. No. 146/2017 (SB)

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

**Dated : 04.12.2019**

Ms. Jaily Kuhite, Id. counsel holding for Shri M.P. Kariya, 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. After Vacation.**

**Member (J)**

dnk.

O.A. No. 146/2019 (SB)

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

**Dated : 04.12.2019**

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

The Id. counsel for the applicant submitted that he has received reply of R-2 to 4.

**S.O. After Vacation.**

**Member (J)**

dnk.

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**O.A.No.881/2009**  
**(D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and  
Shri A.D.Karanjkar, Member(J)  
Dated :04/12/ 2019.**

**C.A.Nos.260,261,262&263/2018:-**

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

2. The Id. P.O. has produced the chart disclosing various payments made. It seems that during pendency of this O.A., the applicant Shri Kishor Uddhao Meshram died and his widow has moved application for setting aside abetment and for her substitution as legal representative. It is undisputed that besides the applicant the deceased left behind two daughters and they are also heirs of the disease and they are legal representatives, therefore, the Id. counsel for the applicant is permitted to move application for substitution of all legal representatives of the deceased within one week.

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

**Member(J)**  
**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**



O.A.No.205/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

None for the applicant. Shri M.I.Khan, the  
Id. P.O. for the State. Await service of respondent  
nos. 2 to 4.

2. **S.O. three weeks.**

**Member(J)  
Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

O.A.No.607/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Shri A.R.Rishi, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. filed reply on behalf of the respondent nos. 2, 3, 4 & 5. It is taken on record. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

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

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**



**O.A.No.610/2019 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is supplied to the other side.

3. **S.O. 11.12.2019.**

**Member(J)  
Chairman  
Date:-04/12/2019.  
aps.**

**Vice**

**O.A.No.675/2019 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Ms. G.B.Dharmadhikari holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. A detailed order has already been passed on 26/09/2019. However, the Id. counsel for the applicant submits that applicant is not been allowed to resume the duty. The Id. counsel for the applicant is at liberty to file contempt petition. Meanwhile, the Id. P.O. may take instructions, **S.O. three weeks.**

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

O.A.No.157/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is supplied to the other side. It is submitted that on the basis of this reply O.A. can be decided.

3. Matter is **admitted** and kept for final hearing.

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

5. The Id. P.O. is directed to produce the record of the D.E..

6. **S.O. 08.01.2020.**

**Member(J)  
Chairman  
Date:-04/12/2019.  
aps.**

**Vice**

O.A.No.756/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

**C.A.No.406/2019:-**

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

2. **C.A.No.406/2019 for amendment is allowed.**

3. The amendment be carryout within two weeks and it be supplied to the other side.

4. **S.O. two weeks.**

**Member(J)  
Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

**O.A.Nos.630,631,632,633,634/2018 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Ms. G.B.Dharmadhikari, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is supplied to the other side.

3. Matter is **admitted** and kept for final hearing.

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

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

6. *Put up this matter along with the O.A. No. 635/2018.*

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

O.A.No. 635/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Ms. G.B.Dharmadhikari, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. seeks time to file reply. At his request, **S.O. three weeks.**

3. **Put up this matter along with the O.A. Nos. 630,631,632,633,634/2018.**

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

**O.A.No.893/2018 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Shri S.S.Godbole, the Id. counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 4 and Ms. Pardhi, the Id. counsel for the respondent nos. 5 to 8.

2. As per the order dated 27/06/2019, the Id. P.O. has placed Judgment dated 28/05/2018 of Hon'ble Apex Court. It is taken on record. Copy is supplied to the other side.

3. At the request of Id. counsel for the applicant to go through the Judgment, **S.O. 1<sup>st</sup> Week After Winter Vacation.**

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

O.A.No.265/2010 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Smt. Sirpurkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**



O.A.No.133/2015 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

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

2. The Id. P.O. is directed to produce the record and proceedings of Departmental Enquiry.

3. **S.O. After Winter Vacation.**

**Member(J)**

**Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

**O.A.No.461/2017 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

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

2. It is submitted by Id. P.O., that he has received the record and proceedings of the Departmental Enquiry. The Id. P.O. is directed to hand-over custody of the record to the Registry. The Id. counsel for the applicant is at liberty to examine the same.

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

**Member(J)  
Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

**O.A.No.833/2018 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Shri S.S.Ghate, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 3 and Shri C.N.Deshpande, the Id. counsel for the respondent no. 4.

2. The point of dispute is that in the seniority list applicant has been shown from 06.12.2004. However, as per his pleadings applicant should have been shown from 06.08.2004 only. The Id. counsel for the applicant is directed to file the initial appointment letter of the applicant by which his services has been regularized.

**3. S.O. 13.12.2019.**

**Member(J)  
Chairman**

**Date:-04/12/2019.**

aps.

**Vice**

O.A.No.850/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :04/12/2019.**

Heard Smt. Sirpurkar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.S.Ambatkar, the Id. counsel is going to file vakalatnama on behalf of the respondent no. 3 during the course of the day.

2. **S.O. two weeks.**

**Member(J)  
Chairman  
Date:-04/12/2019.  
aps.**

**Vice**

O.A.No.28/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. P.O. filed reply on behalf of the respondent no. 3. It is taken on record. He further submits that he will serve the copy to the other side.

3. Matter is **admitted** and kept for final hearing.

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

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

**Chairman** **Vice**  
**Date:-04/12/2019.**  
aps.

O.A.No.924/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

Heard Shri S.N.Gaikwad holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The matter is **admitted** and kept for final hearing.
3. The Id. P.O. waives notices for the respondents.
4. **S.O. one week.**

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**

O.A.No.930/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

None for the applicant. Shri V.A.Kulkarni,  
the Id. P.O. for the Respondent nos. 1 to 3. None  
for the respondent no. 4.

**2. S.O. three weeks.**

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**

O.A.No.942/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

Heard Mrs. P.R.Arbat, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

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

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**



O.A.No.782/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

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. The Id. counsel for the applicant submits that he has filed service affidavit. At the request of Id. P.O., **S.O. three weeks.**

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**

O.A.No.796/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

Heard Shri G.K.Bhusari holding for Shri S.E.Raghorde, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

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

**Vice**

**Chairman**  
**Date:-04/12/2019.**  
aps.

O.A.No.01/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

Heard Shri G.K.Bhusari, 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.**

**Vice**

**Chairman**  
**Date:-04/12/2019.**  
aps.

O.A.No.964/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/ 2019.**

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

2. The Id. counsel for the applicant has pointed out P.B., Pg. No. 18 (Annexure-A-4) were the applicant was suspended vide order dated 30.05.2018 by respondent no. 2 and effects was given from 14/05/2018 as per para no. 2. The applicant was suspended on the ground that he was put behind bar on 14/05/2018 (23.30) and subsequent to that he was put under suspension. The Id. P.O. is not aware about the facts. As submitted by the Id. counsel for the applicant chargesheet in the court is not filed and departmental enquiry was started as per P.B., Pg. No. 6 of the O.A.:-

*"V) It is further submitted that after the issuance of order of suspension the departmental enquiry proceeding have been initiated and are also on the verge of completion in the sense that applicant has submitted his final defence statement long back, but no decision has been taken as yet by the Competent Authority with the result the order of suspension is continued which is illegal."*

3. In view of this facts, at P.B., Pg. No. 19 (Annexure-A-5) dated 09/07/2019, there are various Judgments of Hon'ble Supreme Court which has been referred by DoPT in letter dated 23/08/2016 on P.B., Pg. No. 22 and guidelines were issued to the State Government. The Id. counsel for the applicant is relied upon that letter of DoPT and subsequent to that Government of Maharashtra G.A.D. dated 09/07/2019 (Annexure-A-5, P.B., Pg. No. 19) in which DoPT memorandum has been mentioned as reference no. 3.

4. Considering all these facts, in the interest of justice to the applicant, the suspension order dated 30/05/2018 (Annexure-A-4, P.B., Pg. No. 18) is revoked with immediate effect and respondents are directed to issue revocation order **within one week** from the date of this order and subsequent to that give applicant posting at proper place and finalize D.E. **within one month** from the date of this order.

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

6. *Steno copy be supplied to both the counsels.*

**Vice**

**Chairman**

**Date:-04/12/2019.**

aps.

O.A.No.794/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

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

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

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**

O.A.No.696/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

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

2. The Id. counsel for the applicant has placed on record order dated 25/10/2019 by respondent no. 2 i.e. S.P., Gondia, by which applicant's suspension order has been revoked and applicant has been given posting at Police Head-Quarter, Gondia.

3. In view of the above, the O.A. became infructuous. However, applicant is at liberty to make representation to the respondents regarding his full salary part after 90 days of suspension and the same be decided as per existing rules and regulations

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

**Vice**

**Chairman**  
**Date:-04/12/2019.**  
aps.

**O.A.No.228/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent no. 3.

2. As submitted by Id. counsel for the applicant in O.A. Nos. 153, 216 & 225/2010 was decided by Principle Bench. However, Review Application has been filed there. In view of this, they submitted that O.A. No. 228/2016 of this Bench should be decided after decision of the Principle Bench matter. Parties are directed to mention this O.A. after decision of the Review Application at Principle Bench.

**Vice**

**Chairman**

**Date:-04/12/2019.**

aps.



O.A.No.70/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/ 2019.**

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

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

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**

**O.A.Nos.545,546&600/2018**

**(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/12/ 2019.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 to 3 and Shri R.S.Khobragade, the Id. counsel for the respondent no. 4.

2. As submitted by Id. counsel for the applicant, the applicants are:-

<b>O.A.Nos.</b>	<b>Applicant Name</b>	<b>Date of Appointment</b>
545/2018	Dr.V.P.Meshram	05/04/1992
546/2018	Dr.M.P.Mothghare	21/07/1995
600/2018	Dr.R.T.Nandeshwar	08/08/1996

The applicants were given technical breaks and because of that they are not entitled for pensionary benefits by length of service. Aggrieved by this, the applicants have filed these O.As.. On record they were regularized by Government notification dated 02/02/2009 at P.B., Pg. No. 59 of the O.A. in O.A. No. 545/2018 in para no. 4 (V) and following condition is mentioned:-

*“While making absorption, an undertaking from the ad-hoc Medical Officers regarding the acceptance of terms and conditions laid down by the Government shall not be considered for absorption.”*

3. The Id. counsel for the respondent no. 4 i.e. Z.P., Bhandara submits that notification has been issued under power of Article 309 of Constitution of India and hence its conditions cannot be replaced by any General Order. The Id. counsel for the applicant is directed to file appointment copy of O.A. No. 546 and 600/2018 order passed by Tribunal for the applicant in O.A. Nos. 545 & 546/2018 and file on record and supply the copy to the Id. P.O..

4. In O.A. No. 545/2018 vide (Annexure-A-3, P.B., Pg. No. 39) applicant was absorbed and in that letter was also mentioned that the temporary Doctors who completed three years service till 31/12/2007 those were absorbed by Special Rule, dated 09.02.2009, the pay scale of Rs. 8000-13500/- of Group-A in Scheduled Caste Category subject to verification of certificate. No-where in the letter it is mentioned about Technical Break of the applicant between 1992 to 2009. In notification dated 02/02/2009, the service rendered by adhoc Doctors shall not be considered for Pension Rule and grant of promotion as a Specialist or Assured Progressive Scheme. The Id. P.O. submits that those who undertakes to appointed by notification condition

dated 02/02/2009 they were only absorbed as per 02/02/2009 notification. Ideally they should, if they were aggrieved with this, they should have filed O.A. before the Tribunal in 2010 only.

5. As pointed out by Id. counsel for the respondent no. 4 in notification dated 02/02/2009 at P.B., Pg. No. 60 in O.A. No. 545/2018 in para no. 4 is mentioned like:-

*"(ii) As regards pension and other retirement benefits they shall be governed by the terms and conditions as stipulated in the new defined contribution pension scheme of the Government."*

6. Regarding applicants some details are below:-

<b>O.A. Nos.</b>	<b>Annexures with Pg. Nos.</b>	<b>Date of absorption.</b>
545/2018	(Annexure-A-3, P.B., Pg. No. 39)	09/02/2009
546/2018	(Annexure-A-3, P.B., Pg. No. 28)	09/02/2009
600/2018	(Annexure-A-3, P.B., Pg. No. 53)	09/02/2009

In all the O.As., it is clear that applicants were absorbed as per the conditions laid down in notification dated 02/02/2009.

7. **Closed for orders.**

**Chairman**  
**Date:-04/12/2019.**  
aps.

**Vice**