

O.As. 374 & 375 of 2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri V.B. Gawali, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. files affidavits-in-reply of R-2,5 and 6 in both the O.As. Same are taken on record and copies are given to the other side. The Id. counsel for applicants wants to go through the same.

S.O. 18/8/2022.

Interim relief, if any to continue till next date.

Vice Chairman

dnk.

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

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

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

At the request of learned P.O., **S.O.
19/08/2022.**

Vice Chairman

dnk.

O.A. 307/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Mrs. P. Joshi, learned counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri S.N. Gaikwad, Id. counsel for R-3 (Caveator).

With the consent of Id. counsel for both the parties, **S.O. 10/8/2022.**

Vice Chairman

dnk.

O.A. 472/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri M.R. Khan, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

At the request of learned counsel for applicant, **S.O. 10/08/2022.**

Vice Chairman

dnk.

O.A. 939/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1. None for R-2&3.

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

Vice Chairman

dnk.

O.A. 947/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1. None for R-2 to 4.

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

Vice Chairman

dnk.

O.A. 659/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri V.B. Gawali, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 660/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri V.B. Gawali, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

dnk.

C.A. 410/2021 in O.A. 115/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri G.G. Bade, Id. counsel for applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri T.M. Zaheer, Id .counsel for R-5.

At the request of Id. counsel for applicant, **S.O. 18/8/2022.**

Vice Chairman

dnk.

O.A. 787/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri G.K. Bhusari, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3, Shri S.N. Gaikwad, Id. counsel for R-4 and none for R-5.

It appears that reply of R-4 is not filed. The Id. counsel for R-4 Shri S.N. Gaikwad seeks time to file reply.

At the request of Id. counsel for R-4, **S.O. 19/8/2022** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 845/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri P.P. Khaparde, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 886/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 940/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri N.R. Shiralkar, Id. counsel holding for Shri V.B. Bhise, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for respondents.

2. The learned counsel for applicant has filed Pursis dated 2/8/2022 which is taken on record and marked Exh-X for identification. As per his submission, the applicant has received all the arrears and hence he does not want to prosecute this O.A. and wants to withdraw the O.A.

3. In view of pursis dated 2/8/2022, the O.A. is disposed of as withdrawn. No order as to costs.

Vice Chairman

dnk.

O.A. 527/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, 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. 584/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri A.C. Dharmadhikari, Id. counsel for applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and none for R-4.

The Id. P.O. files reply of R-1 to 3. It is taken on record. Copy is given to the applicant.

S.O. after three weeks for filing reply of R-4.

Vice Chairman

dnk.

O.A. 616/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

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

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

Vice Chairman

dnk.

O.A. 98/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri A.B. Kuradkar, Id. counsel holding for Shri A.P. Tathod, Id .counsel for applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

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

Vice Chairman

dnk.

O.A. 106/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri I.N. Choudhari, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

The Id. P.O. files reply of R-1 to 3. It is taken on record and copy is given to the applicant.

The Id. counsel for applicant wants to go through the same and seeks time to file rejoinder, if any. At his request, **S.O. after two weeks.**

Vice Chairman

dnk.

O.A. 148/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2.

The Id. counsel for applicant submits that the respondent no.2 is served and he will file service affidavit.

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

Vice Chairman

dnk.

O.A. 497/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

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

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

Vice Chairman

dnk.

C.A. 245/2022 in O.A. 591/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Bharat Kulkarni, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri S.A. Marathe, Id. counsel for R-3.

The Id. P.O. submits that he has yet not received instructions as per the Tribunal's order dated 14/7/2022. He seeks further time.

At the request of Id. P.O., **S.O. 10/08/2022.**

Vice Chairman

dnk.

O.A. 592/2022 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 02/08/2022.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. Await service of R-4.

2. At the request of Id. counsel for applicant, issue fresh notice to respondent no.4 returnable **after two weeks**. 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. after two weeks.

Vice Chairman

dnk.

O.A. 593/2022 (S.B.)

(Satish S. Gowande Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri R.M. Fating, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

2. The learned counsel for applicant has pointed out letter dated 13/01/2021 (A-6,P-29) issued by the Principal Chief Conservator of Forests (HOF), Nagpur (R/2). By this letter, the respondents have calculated the amount of interest of Rs.2,97,349/- and proposed to the Principal Secretary (Forest), Revenue and Forest Department, Mantralaya, Mumbai to pay the interest on delayed payment of Rs.2,97,349/- to the applicant. As the contention of applicant is admitted by the respondents, then there is no hurdle for the respondents to pay the amount of interest as prayed in this O.A. Hence, the following order –

ORDER

(i) The O.A. is disposed off with direction to the respondents to pay the interest on delayed payment on gratuity for the period from 1/9/2011

to 23/9/2019 amounting to Rs.2,97,349/- to the applicant, as per the recommendation of the Principal Chief Conservator of Forests (HOF), Nagpur (R/2) to the Principal Secretary (Forest), Revenue and Forest Department, Mantralaya, Mumbai as per letter dated 13/01/2021 (A-6,P-29) within a period of six months from the date of receipt of this order.

(ii) No order as to costs.

Vice Chairman

dnk.

O.A. 767/2022 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 02/08/2022.

Heard Shri Bharat Kulkarni, Id. counsel for applicant, Shri S.A. Sainis, Id. P.O. for R-1,3&4 and Shri Zaheer, Id. counsel for R-2&5.

2. The learned counsel for applicant has filed Pursis dated 2/8/2022 along with relevant documents. Same is taken on record and marked Exh-X for identification.

3. Shri T.M. Zaheer learned counsel appears and filed affidavit in reply on behalf of R-2 and 5. Same is taken on record and copy is given to the other side.

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

Interim relief to continue till then.

Vice Chairman

dnk.

O.A. 893/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri Bharat Kulkarni, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

As submitted by Id. counsel for applicant and Id. P.O., the pleadings are completed. Hence, the matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. in due course.

Vice Chairman

dnk.

O.A. 880/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Smt. K.N. Saboo, Id. counsel for applicants and Shri A.P. Potnis, Id. P.O. for respondents.

The applicant to remove office objections.

S.O. after two weeks.

Vice Chairman

dnk.

O.A. 360/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri N.D. Thombre, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. for the respondents.

2. The Id. counsel for applicant pointed out the Judgments of this Tribunal in O.A.1045/2012 and O.A.No. 438/2017.

3. The Id. P.O. wants time to go through the same Judgments.

S.O. 11/8/2022 (PH).

Vice Chairman

dnk.

O.A. 716/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

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

2. On last dates i.e. on 23/06/2022 and 05/7/2022 none appeared for applicant.
3. Put up matter for final hearing / dismissal for order.

Vice Chairman

dnk.

O.A. 84/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

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

The Id. P.O. submits that on the last date wrongly mentioned that reply of R-2&3 is filed, but infact the reply is not filed. Therefore, the Id. P.O. seeks further time to file reply.

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

Vice Chairman

dnk.

O.A. 329/2019 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 02/08/2022.

Heard Shri N.D. Thombre, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondent nos. 1 to 4. None for other respondent.

2. The Id. P.O. has filed the order / letter dated 20/07/2022 issued by the Desk Officer, Public Health Department, Government of Maharashtra by which leaves of the applicant are decided. The said letter is taken on record and marked Exh-X for identification.

3. The learned counsel for applicant submits that grievances of applicant are now satisfied and there is no cause to proceed further.

4. In view of submission of learned counsel for applicant, the O.A. is disposed off. No order as to costs.

Vice Chairman

O.A. No. 385/2021 with C.A. 110/2016 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 02/08/2022.

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

2. Today the matter is taken on board. The learned counsel for applicant Shri S.P. Palshikar has filed affidavit of Laxmikant Prakash Raulkar (applicant no.1). It is taken on record.

The matter be placed for orders.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

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

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 02/08/2022.

Heard Mrs. R. Deshpande, Id. counsel for applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Mrs. P.D. Sood, Id. counsel for R-5.

2. Today, learned counsel for R-5 Mrs. P.D. Sood has filed on record application for grant of permission to file documents on record at page no.117. Along with this application, she has filed documents at page nos.119,120,121,122 & 123.

3. On the date of argument, learned counsel for applicant raised objection that child born to respondent no.5 is not child of deceased Arun Mahato.

4. The learned counsel for applicant wanted to verify the said documents filed by learned counsel for R-5 on record.

5. Both the learned counsels have requested to give short synopsis of their respective submissions.

S.O. 11/08/2022.

Vice Chairman

dnk.

O.A. 556/2021 (S.B.)

(Smt. Ganga Devilal Jadhav & Ors. Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 02/08/2022.

Heard Shri M.R. Deshmukh, Id. counsel holding for Shri S.K. Wankhede, Id. counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The applicant nos.1 to 3 were working as Staff Nurse. All the applicants retired on 30/06/2016. The applicants were entitled to get the increment which falls on 1st July,2016.

3. The learned counsel for applicants pointed out the Judgment of this Tribunal in O.A. 599/2021. This Tribunal relied on the Judgment of Hon'ble Division Bench of Madras High Court in Writ Petition No.15732/2017 in the case of **P. Ayyamperumal Vs. Registrar, Central Administrative Tribunal, Chennai & Ors.** and held that the employees who retired on 30th June, are eligible for increment which falls on 1st July of that year. All the applicants retired on 30/06/2016, therefore, they are entitled to get the increment which falls on 1/7/2016. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant increment which falls on 1/7/2016 to the applicants and revise the pay accordingly.

(iii) No order as to costs.

Vice Chairman

dnk.

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

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

Dated : 02/08/2022.

C.A.No.306/2022:-

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the respondents. None for the R-3.

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

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.878/2019 (D.B.)

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

Dated : 02/08/2022.

C.A.No.93/2020:-

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondents and Shri M.A.Sable, ld. Counsel for the Intervention.

2. At the request of ld. counsel for the applicant, **S.O. next week for taking instructions.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.914/2019 (D.B.)

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

Dated : 02/08/2022.

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the respondents. Await service of R-2.

2. **S.O. six weeks.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.Nos.45&46/2020 (D.B.)

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

Dated : 02/08/2022.

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

2. The ld. P.O. has filed reply on behalf of the respondents. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

4. The ld. P.O. waives notice for the respondents.

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

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.111/2020 (D.B.)

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

Dated : 02/08/2022.

Heard Shri C.A.Babrekar, the ld. Counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

4. The ld. P.O. waives notice for the respondents.

5. Ld. counsel for the applicant is directed to file if any order has been passed by M.A.T./ Hon'ble High Court Aurangabad Bench at the next hearing.

6. **S.O. two weeks for final hearing.**

7. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.118/2020 (D.B.)

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

Dated : 02/08/2022.

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

2. **S.O. six weeks.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.809/2021 (D.B.)

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

Dated : 02/08/2022.

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

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

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.61/2022 (D.B.)

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

Dated : 02/08/2022.

Heard Shri A.Barahate, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks to file reply.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.430/2022 (D.B.)

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

Dated : 02/08/2022.

Heard Shri A.M.Borkar, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks to file reply.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.486/2022 (D.B.)

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

Dated : 02/08/2022.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

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

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.619/2022 (D.B.)

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

Dated : 02/08/2022.

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

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

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.683/2022 (D.B.)

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

Dated : 02/08/2022.

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

2. On perusal of documents at page no. 32 (A-3) in para 3 it is mentioned which is reproduced below:-

“३. सामान्य प्रशासन विभाग शासन निर्णय दिनांक १५.१२.२०१७ नुसार विभागीय चौकशी/ न्यायालयीन प्रकरण प्रलंबित असलेल्या अधिकारी/ कर्मचा-यांना पदोन्नती देतांना अवलंबविण्याची कार्यपध्दती निश्चित केली आहे. सदर शासन निर्णयातील तरतुदीनुसार विभागीय पदोन्नती समितीने घेतलेल्या निर्णयानुसार आपणांविरुद्ध F.I.R. १५१/२०१८ प्रलंबित असल्याने आपले प्रकरण बंद पाकीटात ठेवण्यात आलेले असल्याने आपणांस उपविभागीय अभियंता या पदावर पदोन्नती देण्यात आली नाही.”

3. Copy of F.I.R. is placed at Pg. No. 45 (A-5). On perusal of F.I.R. copy, it appears that Section 498-A, I.P.C. has been written in the F.I.R.. This appears to be a domestic issue, whereas respondents have mentioned G.R. dated 15.12.2017 which is nothing to do on this issue. However, Id. P.O. is directed to take instructions from the department, **S.O. 08.08.2022.**

4. **Steno copy is granted.**

Member(J)

Vice Chairman

Date:-02/08/2022.
aps.

Rev.No.02/2022 in O.A.No.864/2017 (D.B.)

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

Dated : 02/08/2022.

Heard Shri G.G.Bade, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 08.08.2022** to file reply.

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

C.P.36/22inRev.18/21inO.A.94/21(D.B.)

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

Dated : 02/08/2022.

Heard Shri S.V.Deshmukh, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondents and Shri T.M.Zaheer, Id. counsel for the respondent nos. 3, 4, 5, 9 & 10 is going to file vakalatnama on behalf of the respondents.

2. Ld. P.O. has filed reply on behalf of the respondent nos. 1, 7 & 12. It is taken on record. Copy is served to the other sides.

3. **S.O. 12.08.2022 to file reply by respondent nos. 3, 4, 5, 9 & 10 positively.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

C.P.31/22inT.A.743/92inW.P.2209/1985(D.B.)

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

Dated : 02/08/2022.

Heard Shri Anupam holding for Shri G.N.Khanzode, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the respondents.

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

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.Nos.951,952&953/2021 (D.B.)

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

Dated : 02/08/2022.

Heard Shri P.N.Shende, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondents and Shri R.R.Dhawad, Id. Counsel for the respondent no. 5.

2. The Id. P.O. has already 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 it is sufficient to decide the matter.

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

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

5. In para no. 2 of the said reply following submission has been made which is reproduced below:-

"It is submitted that, the State Government has taken a conscious decision to close the Primary School attached to the Government D.Ed. College vide Government Resolution dated 15.09.2020. The applicant is working in Government Primary Teacher at Nagpur. There is no any post of Primary Teacher exists on the establishment of State Government. There is no any promotional

*post available as per G.R. dated 20.02.1989.
The only alternative to accommodate the
primary teachers in Govt. Primary School is
either in Z.P. Primary School or Municipal
Corporation Primary School."*

6. **S.O. next week for final hearing.**

7. *Meanwhile, the ld. counsel for the applicant is
at liberty to file Rejoinder, if any as well as ld. P.O. is
also directed that as per the reply of R-1 he should
take necessary instructions from the department.*

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.620/2012 (D.B.)

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

Dated : 02/08/2022.

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

2. Ld. counsel for the applicant has filed Hon'ble High Court Judgment in W.P. No. 2236 of 1997, Shalik Wamanrao Ranware & Ors. Vs. State of Maharashtra & Ors. On perusal of the said Judgment which is delivered by the Division Bench on 24.08.2012 in para no. 4 on page no. 105, it is clearly mentioned:-

“We make it clear that, apart from issuing directions regarding the date of permanent employment of the respective Petitioners, we have not examined the case of the Petitioners as regards the eligibility of pensionary benefits.”

3. Though the issue of pensionary benefits has not been examined in this W.P., so this cannot be relied upon. Further at page 98, A-R-3 along with reply respondents have filed reply on 21.06.2013 along with that they have attached Circular dated 15.04.2009. In this Circular this has been clearly explained in para no. 2 which is reproduced below:-

“हजेरी सहाय्यक पदावरील तयांनी केलेली सेवा
निवृत्ती वेतनाई सेवा नाही हे या ठिकाणी स्पष्ट करण्यात येत आहे.”

4. Government has verified vide this Circular that whatever services has been rendered by Mustering Assistant that should be counted towards pensionary benefits. The ld. counsel for the applicant wants to place on record Hon'ble Apex Court Judgment for the above same, **S.O. one week.**

5. **Matter be treated as P.H..**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.647/2016 (D.B.)

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

Dated : 02/08/2022.

Heard Shri S.U.Ambagade, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 07.08.2022.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.73/2017 (D.B.)

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

Dated : 02/08/2022.

None for the applicant. Shri S.A.Sainis, the ld.
P.O. for the respondents and Shri A.P.Sadavarte, ld.
Counsel for the respondent no. 5.

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

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.727/2018 (D.B.)

(O.S.Belsare Vs. State of Maharashtra & Another)

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

Dated : 02/08/2022.

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

2. As submission made by the ld. counsel for the applicant, applicant was appointed as 'Peon'. However, he has assigned the work of 'Driver'. Now he aspires to become 'Driver'. Respondents have filed their reply on 17.02.2020 and on page no. 2 they have submitted following action which is reproduced below:-

"The department is taking steps to hold the meeting of the D.P.C. of 2011 for the purpose of effecting promotions on the post of Driver. It is submitted that if the DPC finds the applicant eligible for promotion to the post of Driver considering the seniority and the relevant rules, applicant will be promoted to the post of Driver. Only after the applicant's promotion as Driver, his designation will be changed and he will be entitled for the pay scale and other allowances admissible for the post of Driver."

3. Respondents are directed to conduct D.P.C. as and when is possible and take a decision within three months from the date of receipt of this order regarding promotion of the applicant if he otherwise fulfils the eligibility criteria.

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

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.397/2019 (D.B.)

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

Dated : 02/08/2022.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 03.08.2022 for placing judgment on record.**

3. **Put up this matter along with O.A. No. 398/2019.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.398/2019 (D.B.)

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

Dated : 02/08/2022.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant nos. 1 to 21. None for the applicant nos. 22 to 42. Shri S.A.Sainis, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant nos. 1 to 21, **S.O. 03.08.2022 for placing judgment on record.**

3. **Put up this matter along with O.A. No. 397/2019.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.935/2020 (D.B.)

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

Dated : 02/08/2022.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. next week.**

Member(J)

Date:-02/08/2022.

aps.

Vice Chairman

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

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

Dated : 02/08/2022.

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

2. At the request of ld. P.O., **S.O. 10.08.2022.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.949/2021 (D.B.)

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

Dated : 02/08/2022.

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

2. At the request of ld. counsel for the applicant, **S.O. 08.08.2022.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman

O.A.No.583/2022 (D.B.)

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

Dated : 02/08/2022.

Heard Shri Ghate holding for Shri R.V.Shiralkar, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 05.08.2022.**

Member(J)
Date:-02/08/2022.
aps.

Vice Chairman