

O.A. 85/2021 (S.B.)

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

Dated : 03/02/2022.

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

2. The applicant has filed the present O.A. for grant of following reliefs –

“9 (i) Direct the respondent nos.1 to 5 to consider the case of the applicant period in view of Judgment passed by Hon'ble High Court in Writ Petition No.12043/2016 to 12051/2016 and Circular dated 28/02/2017 & 01/08/2017 and order dated 04/06/2020 and thereby release the pensionary benefits arising thereof.

(ii) Grant any other relief which this Hon'ble deems fit and proper in the facts and circumstances of the case so also in the interest of justice.”

3. The applicant was appointed as Muster Assistant on 1/3/1985. His service was regularised on 16/10/2003 and he was absorbed in Zilla Parishad and since then he is continued with the respondent / Zilla Parishad. Now the applicant retired on 30/11/2007. The respondents not granted pension to the applicant on the ground that the applicant has not completed qualifying service, therefore, the applicant prayed to treat as permanent employee from the date of his initial appointment and direct the respondents to grant pensionary benefits.

4. In the reply, it is submitted that the applicant has not completed qualifying service and therefore as per the Maharashtra Civil Services (Pension) Rules, 1982, the applicant is not entitled for the pension.

5. This Tribunal has decided a bunch of petitions in O.A.No. 545/2020 with other connected O.As. This Tribunal relied on the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad and allowed all the O.As. and held that Muster Assistants are entitled for regular service from the date of their initial appointments. The Government has also issued various G.Rs. directing the some of departments to treat the employees equally with other similarly

situated employees like Zilla Parishad / Collectors at Wardha etc. who are granted the benefit in view of the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad. As per the guidelines of the Government by issuing G.R. to all the departments that when other similarly situated employees are getting the benefit in view of same Judgment, then other employees also should get the same benefit.

6. There is no dispute that the applicant was initially appointed as Muster Assistant in the year 1985. His service was regularised as Clerk in the Zilla Parishad. Moreover, Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982 is very clear to get the benefit of pension. The employee who is entitled for pension and his initial appointment though temporarily, be taken into consideration.

7. In view of the Judgment of this Tribunal and Judgment of Hon'ble Bombay High Court, Bench at Aurangabad, the following order is passed –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to give pensionary benefits to the applicant treating him as permanent employee from the date his initial appointment from 1/3/1985.
- (iii) The respondents are also directed to decide the pension case of the applicant within a period of four months from the date of receipt of this order.
- (iv) No order as to costs.

Member (J).

dnk.

O.A. 139/2022 (S.B.)

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

Dated : 03/02/2022.

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

2. The Id. counsel has pointed out Annex-A-1 and A-2 and submits that without authority the S.P. Yavatmal has deducted the salary of the applicant. He has pointed out page no.31 A-3 and submitted that the applicant wanted to vacate official quarter, but his request is rejected. It is from the document at A-3 and the impugned order dated 20/8/2021 it appears that the applicant is ignoring his wife and son, therefore, the S.P. yavatmal has deducted the salary of the applicant. The order is already implemented and applicant's salary is already deducted.

3. Issue notice to the respondents. returnable after two weeks. Learned P.O. waives notice for State. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date

of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. after two weeks.

Member (J).

dnk.

O.A. 124/2022 (S.B.)

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

Dated : 03/02/2022.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. As per the submission of Id. counsel, the applicant is transferred on deputation as he is not relieved and therefore prayed to stay to the impugned order. From the perusal of record it appears that the applicant is already relieved.

3. Hence Issue notice to the respondents. returnable in two weeks. Learned P.O. waives notice for State. Hamdast allowed.

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. two weeks.

Member (J).

dnk.

O.A. 124/2022 (S.B.)

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

Dated : 03/02/2022.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. As per the submission of Id. counsel, the applicant is transferred on deputation as he is not relieved and therefore prayed to stay to the impugned order. From the perusal of record it appears that the applicant is already relieved.

3. Hence Issue notice to the respondents. returnable in two weeks. Learned P.O. waives notice for State. Hamdast allowed.

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. two weeks.

Member (J).

dnk.

(S.B.)

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

Dated : 03/02/2022.

C.A. 512/2019 in O.A. 514/2018 -

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

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

Member (J).

dnk.

(S.B.)

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

Dated : 03/02/2022.

C.A. 420/2021 in O.A. 613/2018 -

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

S.O. after three weeks.

Member (J).

dnk.

O.A. 770/2019 (S.B.)

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

Dated : 03/02/2022.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 6.

S.O. Next week.

Member (J).

dnk.

O.A. 796/2019 (S.B.)

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

Dated : 03/02/2022.

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

The Id. P.O. files reply of R-3. It is taken on record. 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. in due course.

Member (J).

dnk.

O.A. 255/2020 (S.B.)

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

Dated : 03/02/2022.

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2.

S.O. after three weeks.

Member (J).

dnk.

O.A. 765/2020 (S.B.)

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

Dated : 03/02/2022.

Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, 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. 785/2020 (S.B.)

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

Dated : 03/02/2022.

Shri P.D. Sharma, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. None for R-2&3.

The Id. P.O. submits that the respondents nos.2&3 are contesting respondents.

S.O. after two weeks for filing reply.

Member (J).

dnk.

O.A. 947/2020 (S.B.)

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

Dated : 03/02/2022.

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

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

Member (J).

dnk.

O.A. 80/2021 (S.B.)

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

Dated : 03/02/2022.

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

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

Member (J).

dnk.

O.A. Nos.144,145 & 146 of 2021 (S.B.)

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

Dated : 03/02/2022.

Heard Shri M.R. Shende, Id. counsel holding for Shri S.G. Lacharwar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. & other Id. P.Os. for the respondents.

2. All these O.As. are filed by the applicants for direction to the respondents to pay arrears of Dearness Allowance.

3. The Id. P.O. has filed letter dated 21/1/2022 issued by the Fileria Officer (Hattirog), Health Department, Nagpur. It is taken on record and marked Exh-X. As per this letter, the grievances of the applicants are now redressed. The bills sent to the Treasury for payment of arrears of the Dearness Allowance.

4. Hence, all the O.As. are disposed off. No order as to costs.

Member (J).

dnk.

O.A. 721/2021 (S.B.)

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

Dated : 03/02/2022.

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

Hamdast for R-2 to 5 not collected.

S.O. after four weeks.

Member (J).

dnk.

O.A. 791/2021 (S.B.)

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

Dated : 03/02/2022.

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

The Id. P.O. submits that he will file reply within two weeks.

S.O. two weeks.

Member (J).

dnk.

O.A. 863/2021 (S.B.)

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

Dated : 03/02/2022.

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 864/2021 (S.B.)

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

Dated : 03/02/2022.

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4&5.

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

Member (J).

dnk.

O.A. 884/2021 (S.B.)

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

Dated : 03/02/2022.

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

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

Member (J).

dnk.

O.A. 966/2021 (S.B.)

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

Dated : 03/02/2022.

Shri G.G. Bade, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J).

dnk.

(S.B.)

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

Dated : 03/02/2022.

C.A. 39/2022 in O.A. 1069/2021 -

Shri S.M. Khan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. 9/2/2022.

Member (J).

dnk.

O.A. 1071/2021 (S.B.)

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

Dated : 03/02/2022.

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

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

Member (J).

dnk.

O.A. 1075/2021 (S.B.)

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

Dated : 03/02/2022.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for R-1. Await service of R-2&3.

S.O. two weeks.

Member (J).

dnk.

Rev. A. 09/2021 in O.A. 359/2020 (S.B.)

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

Dated : 03/02/2022.

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

2. The applicant has filed Pursis dated 01/02/2022 mentioning that the wants to withdraw the Review Application.

3. In view of Pursis dated 01/02/2022, the Review Applicant is disposed off as withdrawn. No order as to costs.

Member (J).

dnk.

O.A. 457/2021 (S.B.)

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

Dated : 03/02/2022.

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

The reply is already filed.

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

S.O. 14/2/2022.

Member (J).

dnk.

O.A. 555/2021 (S.B.)

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

Dated : 03/02/2022.

Heard Shri M.R. Patil, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&4. None for R-2&3.

The reply is already filed.

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

S.O. 15/2/2022.

Member (J).

dnk.

O.A. 495/2020 (S.B.)

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

Dated : 03/02/2022.

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

2. The Id. P.O. has filed order dated 20/1/2022 issued by the Joint Secretary, Home Department (Govt. of Maharashtra). It is taken on record and marked Exh-X. As per this letter, the deemed date promotion is granted to the applicant and therefore the grievance of the applicant is now redress. There is no cause to proceed the matter further.

3. In that view of the matter, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

O.A. 798/2021 (S.B.)

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

Dated : 03/02/2022.

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

The reply is already filed.

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

S.O. 22/2/2022.

Member (J).

dnk.

O.A. 986/2021 (S.B.)

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

Dated : 03/02/2022.

Heard Shri D.M. Totey, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The reply is already filed.

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

S.O. 22/2/2022.

Member (J).

dnk.***

O.A. No. 556/2018

(D.B.)

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

Dated : 3rd February 2022.

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

Respondents state that the matter was listed on 28.3.2019, 14.6.2020 and 5.10.2019 and further two times. All the three times, none present for the applicant. Today is the fourth time, none present for the applicant. Hence, the O.A. is dismissed in default.

Member(J)

Vice Chairman

pdg

O.A. No. 05/2019

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri M.A. Vaishnav, learned counsel for the applicant and Shri H.K. Pande, Ld. P.O. for the respondents.

2. The Ld. P.O. has filed reply of R. 2 and 3, it is taken on record and copy thereof is supplied to the Ld. counsel for the applicant.

3. **ADMIT.**

4. Ld. P.O. waives notice for R.1.

5. S.O. in due course of time for final hearing.

Member(J)

Vice Chairman

pdg

O.A. No. 167/2020

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri S.M. Khan, learned counsel for the applicant and Shri H.K. Pande, Ld. P.O. for the respondents.

2. The Ld. P.O. has filed reply of R. 3, it is taken on record and copy thereof is supplied to the Ld. counsel for the applicant. Alongwith reply, they have filed annexure dated 25.2.2021 by which it appears that the applicant has been paid his dues of pay scale from 1.7.2010 to 1.7.2018. Only grievance remains, as stated by Ld. counsel for the applicant is that since this payment has been done after a lapse of time, interest should be paid to the applicant.

3. S.O. two weeks.

4. Steno copy be provided to Ld. P.O.

Member(J)

Vice Chairman

pdg

O.A. No. 168/2020

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri S.M. Khan, learned counsel for the applicant and Shri H.K. Pande, Ld. P.O. for the respondents.

2. The Ld. P.O. has filed reply of R. 3, it is taken on record and copy thereof is supplied to the Ld. counsel for the applicant. Alongwith reply, they have filed annexure dated 25.2.2021 by which it appears that the applicant has been paid his dues of pay scale from 1.7.2010 to 1.7.2018. Only grievance remains, as stated by Ld. counsel for the applicant is that since this payment has been done after a lapse of time, interest should be paid to the applicant.

3. S.O. two weeks.

4. Steno copy be provided to Ld. P.O.

Member(J)

Vice Chairman

pdg

O.A. No. 229/2020

(D.B.)

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

Dated : 3rd February 2022.

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

It is stated that the Ld. counsel for the applicant is not well. Hence, time is sought. Granted.

S.O. **one week.**

Member(J)

Vice Chairman

pdg

O.A. No. 546/2021

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri S.M. Khan, learned counsel for the applicant and Shri H.K. Pande, Ld. P.O. for the respondents.

S.O. **two weeks** for filing reply by Ld. P.O.

Member(J)

Vice Chairman

pdg

O.A. No. 622/2021

(D.B.)

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

Dated : 3rd February 2022.

Heard Miss R.P. Jog, learned counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.

As pointed out by the learned counsel for the applicant that in order dated 6.8.2021, I.R. granted in para 3 and the applicant's interest has been protected. However, the learned counsel for the applicant submits that now juniors of the applicant are being promoted and he is not. Ld. P.O. seeks four weeks' time as a last chance. If reply is not filed, matter will be decided on merits.

S.O. four weeks as a last chance.

Member(J)

Vice Chairman

pdg

O.A. No. 897/2021

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri R.M. Fating, learned counsel for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.

At the request of Ld. P.O., S.O. two weeks as a last chance.

Member(J)

Vice Chairman

pdg

O.A. No. 1001/2021

(D.B.)

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

Dated : 3rd February 2022.

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

S.O. four weeks to file reply by Ld.
P.O.

Member(J)

Vice Chairman

pdg

O.A. 197/2017

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

Dated : 03/02/2022.

C.A. No. 38/2022 in C.P. 17/2020

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

2. As pointed out by learned counsel for the applicant in contempt petition, Order No. 165 of Chief Conservator of Forests, Amravati dated 27.10.2021 (A-8, P.10) is issued and subject matter of this letter is mentioned which is as under:-

“राज्य शासकीय अधिकारी / कर्मचारी यांना सातव्या वेतन आयोगामध्ये तीन लाभांच्या सुधारित सेवांतर्गत आश्वासित प्रगति योजनेच्या अनुज्ञेयतेनुसार 10/20/30 वर्षांच्या नियमित सेवेनंतरची सुधारित सेवांतर्गत आश्वासित प्रगति योजनेचा लाभ मंजूर करणेबाबत.”

3. In this letter, applicant's name appears at Sr.No.27 and as per Tribunal's order dated 27.7.2019, following order was passed:-

“The O.A. is allowed in terms of relief clause 8 (i) and (ii). With these directions, O.A. stands disposed of with no order as to costs.”

4. We have perused prayer clause 8 (i) and (ii) of the O.A. which is reproduced below:-

“(i) Direct the respondent No.2 to consider to grant deemed date of appointment as a Forest Guard from physically handicapped category as of 15.4.2006.

(ii) further be pleased to direct respondent No.2 that after granting deemed date of appointment in favour of the applicant as Forest Guard w.e.f. 15.4.2006 to releases all the service benefits arising therefrom in favour of the applicant.”

5. Vide document (A-8, P.10), the respondents have followed the Tribunal’s order by giving date of appointment as 15.4.2006 to the applicant. Applicant is at Sr. No. 27 of the letter dated 27.10.2021 (A-8, Page 10). However, while considering the applicant’s case for ACP, they have taken somersault stand and issued a letter dated 29.10.2021 (P.18) and mentioned that the applicant was appointed as Forest Guard on 14.6.2016 which is contrary to their own document and against the order of this Tribunal. The order of this Tribunal, relief Clause 8(ii) was also allowed and directed that the applicant’s service should have been counted from 15.4.2006, as they have shown in their own document.

C.A.No.38/2022

2. Issue notice to remaining respondents returnable in four weeks.

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete

paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

9. S.O. **four weeks.**

10. Steno copy be provided to both sides.

Member (J)

Vice-Chairman

O.A. No. 565/2020

(D.B.)

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

Dated : 3rd February 2022.

C.P.No.45/2021.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri H.K. Pande, Ld. P.O. for the respondents.

Reply of R.4 is taken on record and its copy is supplied to the learned counsel for the applicant.

The learned counsel for the applicant submits that he has received reply and requires some time to study the same. At his request, S.O. **one week**.

Member(J)

Vice Chairman

pdg

O.A. No. 768/2020

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.

Learned counsel for the applicant submits that he has received reply and he requests that the O.A. be admitted and kept for final hearing.

ADMIT.

Ld. P.O. waives notice for R.1.

S.O. four weeks for final hearing on priority.

Member(J)

Vice Chairman

pdg

O.A. No. 38/2021

(D.B.)

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

Dated : 3rd February 2022.

Heard Miss R.P. Jog, learned counsel for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.

C.A. filed by Ld. Counsel for the applicant is not on record.

Matter to come up with C.A.

S.O. 7.2.2022..

Member(J)

Vice Chairman

pdg

O.A. No. 1054/2019

(D.B.)

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

Dated : 3rd February 2022.

C.P. 29/2021.

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri V.A. Kulkarni, Ld. P.O. for the respondents.

On the date of last hearing, it was mentioned that W.P.No.3470/2021 was pending in the High Court and the High Court has issued notice in the matter. Ld. P.O. is directed to file on record a detailed progress report of W.P. relating to this O.A.

S.O. two weeks.

Member(J)

Vice Chairman

pdg

O.A. No. 976/2019

(D.B.)

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

Dated : 3rd February 2022.

C.P. 30/2021.

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri V.A. Kulkarni, Ld. P.O. for the respondents.

On the date of last hearing, it was mentioned that W.P.No.3470/2021 was pending in the High Court and the High Court has issued notice in the matter. Ld. P.O. is directed to file on record a detailed progress report of W.P. relating to this O.A.

S.O. two weeks.

Member(J)

Vice Chairman

pdg

O.A. No. 977/2019

(D.B.)

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

Dated : 3rd February 2022.

C.P. 31/2021.

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri V.A. Kulkarni, Ld. P.O. for the respondents.

On the date of last hearing, it was mentioned that W.P.No.3470/2021 was pending in the High Court and the High Court has issued notice in the matter. Ld. P.O. is directed to file on record a detailed progress report of W.P. relating to this O.A.

S.O. two weeks.

Member(J)

Vice Chairman

pdg

O.A. No. 681/2021

(D.B.)

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

Dated : 3rd February 2022.

C.P. 51/2021.

Heard Shri G.K. Bhusari, learned counsel for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.

The learned counsel for the applicant submits that as per order of the Hon'ble High Court, his representation has been decided by this Tribunal on 18.1.2021 (Annexure A-4). Hence, he desires to withdraw the contempt petition. C.P. is disposed of. He is at liberty to challenge the order dated 18.1.2021 by different O.A.

Member(J)

Vice Chairman

pdg

O.A. No. 90/2022

(D.B.)

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

Dated : 3rd February 2022.

1. Heard Shri G.K. Bhusari, learned counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondent No.1.
2. Issue notice to remaining respondents returnable in four weeks.
3. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

9. S.O. four weeks.

Member(J)

Vice Chairman

pdg

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

Dated : 3rd February 2022.

Heard Shri G.K. Bhusari, learned counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondents.

Applicant has been appointed against physically handicapped quota and the applicant filed several representations from 9.7.2012 to 29.7.2021. The learned counsel for the applicant has relied on the G.R. dated 5.3.2002 by which policy decision has been taken on 3% reservation for physically handicapped persons in Group-D to Group-C category. Relief Clause-5 is also with regard to decide the representation. As per the Clause-2, respondents are directed to decide representation of the applicant in view of G.R. dated 5.3.2002. and G.R. dated 8.9.2008 (A-4, Page 41), within 60 days from the date of receipt of this order and communicate the same to the applicant.

With this direction, O.A. is disposed of.

Steno copy be provided to Ld. P.O.

Member(J)

Vice Chairman

pdg

O.A. No. 119/2022

(D.B.)

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

Dated : 3rd February 2022.

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondent No.1.

2. Issue notice to remaining respondents returnable in three weeks.

3. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

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

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

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

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

9. S.O. **three weeks.**

10. Order of departmental enquiry has been passed on 4.10.2021 by respondent No.2 (A-15, Page 81). Against this order of punishment (P.82), the applicant has preferred an appeal. However, copy of appeal is not filed on record. The learned counsel for the applicant is directed to file copy of appeal.\

11. Appeal must be filed before the Inspector General, Amravati. The learned counsel for the applicant has not joined disciplinary authority as respondent and not file a copy of appeal. He is directed to make this grievance before the appellate authority i.e. the respondents and file a copy of an appeal.

12. S.O. three weeks.

Member(J)

Vice Chairman

pdg

**O.A. Nos. 135. 136, 137 and 138 of /2022
(D.B.)**

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

Dated : 3rd February 2022.

1. Heard Shri A.D. Mohagaonkar, learned counsel for the applicants and Shri S.A. Deo, Ld. C.P.O. for the respondents.

2. All the applicants have been appointed on compassionate ground. The learned counsel for the applicants submits that without giving any chance, they were terminated.

2-A. In view of this, issue notice to remaining respondents returnable in four weeks.

3. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

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

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

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

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

9. S.O. four weeks.

Member(J)

Vice Chairman

pdg

O.A. No. 330/2021

(D.B.)

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

Dated : 3rd February 2022.

C.P. No.04/2022.

Heard Shri G.N. Khanzode, learned counsel for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.

Ld. P.O. has filed on record the order passed by the Hon'ble Chairman, MAT, Mumbai dated 17.1.2017 regarding contempt petition. The learned counsel for the applicant is directed to follow the procedure laid down by the Hon'ble Chairman, MAT, Mumbai vide letter dated 17.1.2017. The learned counsel for the applicant has not followed that procedure. He is directed to follow the procedure and then circulate the C.P. He is also directed to amend title clause.

S.O. four weeks.

Member(J)

Vice Chairman

Pdg

O.A. No. 251/2017

(D.B.)

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

Dated : 3rd February 2022.

C.P. No.02/2022.

Heard Smt D.I. Charlewar, learned counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.

As submitted by Ld. P.O., learned counsel for the applicant has not followed the procedure prescribed by the Hon'ble Chairman, M.A.T., Mumbai vide his order dated 17.1.2017 before filing the contempt petition. The learned counsel for the

applicant is directed to follow the procedure and then circulate the contempt petition.

S.O. four weeks.

Member(J)

Vice Chairman

pdg

O.A. No. 665/2019

(D.B.)

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

Dated : 3rd February 2022.

C.P. No.05/2022.

Heard Smt D.I. Charlewar, learned counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.

As submitted by Ld. P.O., learned counsel for the applicant has not followed the procedure prescribed by the Hon'ble Chairman, M.A.T., Mumbai vide his order dated 17.1.2017 before filing the contempt petition. The learned counsel for the applicant is directed to follow the procedure and then circulate the contempt petition.

S.O. four weeks.

Member(J)

Vice Chairman

pdg