

O.A. 580/2021 (S.B.)

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

Dated : 14/07/2022.

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

At the request of Id. counsel for applicant, **S.O. 25/7/2022.**

Vice Chairman

dnk.

O.A. 141/2021 (S.B.)

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

Dated : 14/07/2022.

Heard Shri Karmarkar, 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. 25/7/2022.**

Vice Chairman

dnk.

O.A. 864/2018 (S.B.)

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

Dated : 14/07/2022.

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

2. Notices /Hamdast for service to R-1 to 3 are not collected by the applicant since long.

3. The Id. counsel submits that he will collect notices for services to R-1 to 3 and for that purpose he seeks two weeks time.

S.O. after two weeks.

Vice Chairman

dnk.

O.A. 925/2018 (S.B.)

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

Dated : 14/07/2022.

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1&2. None for other respondents.

The Id. P.O. files reply of R-2. It is taken on record. He 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 R-1&2.

S.O. in due course.

Vice Chairman

dnk.

O.A. 239/2020 (S.B.)

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

Dated : 14/07/2022.

Heard Shri V. Dahat, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. There is a leave note from Shri H.D. Marathe, Id. counsel for R-2.

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

Vice Chairman

dnk.

O.A. 245/2020 (S.B.)

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

Dated : 14/07/2022.

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

Hamdast not collected for service to R-2
to 5.

S.O. after two weeks.

Vice Chairman

dnk.

O.A. 553/2019 (S.B.)

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

Dated : 14/07/2022.

None for the applicant. Heard Shri A.M. Ghogre, Id. P.O .for R-1 to 3. None for other respondents.

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

Vice Chairman

dnk.

O.A. 608/2019 (S.B.)

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

Dated : 14/07/2022.

Heard Aparna Telang, Id. counsel holding for Shri A.P. Tathod, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-3. It is taken on record. Copy is given to the applicant.
3. At the request of Id. P.O., **S.O. after two weeks** for filing reply of other respondents.

Vice Chairman

dnk.

O.A. 06/2021 (S.B.)

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

Dated : 14/07/2022.

Heard Shri V.G. Wankhede, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. At the request of Id. counsel, issue notice to the respondent nos.2 to 4. returnable **after four 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 four weeks.

Vice Chairman

dnk.

O.A. 483/2021 (S.B.)

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

Dated : 14/07/2022.

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

2. The Id. P.O. files reply of R-4. It is taken on record. Copy is given to the applicant.
3. At the request of Id. P.O., **S.O. after two weeks** for filing reply of other respondents.

Vice Chairman

dnk.

O.A. 527/2021 (S.B.)

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

Dated : 14/07/2022.

Heard Shri B.B. Pantawane, 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. two
weeks** for filing reply.

Vice Chairman

dnk.

O.A. 718/2021 (S.B.)

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

Dated : 14/07/2022.

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

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

Vice Chairman

dnk.

O.A. 1113/2021 (S.B.)

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

Dated : 14/07/2022.

Heard Shri R.S. Suryawanshi, Id.
counsel for the applicant, Shri H.K. Pande, Id.
P.O. for R-1 to 3. None for other respondent.

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

Vice Chairman

dnk.

O.A. 179/2022 (S.B.)

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

Dated : 14/07/2022.

Heard Shri N.S. Warulkar, 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 as a last chance.

Vice Chairman

dnk.

O.A. 446/2022 (S.B.)

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

Dated : 14/07/2022.

Heard Shri S. Borkute, 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.

Vice Chairman

dnk.

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

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

Dated : 14/07/2022.

Heard 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. P.O., **S.O. two weeks** for filing reply.

Vice Chairman

dnk.

O.A. 542/2022 (S.B.)

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

Dated : 14/07/2022.

Heard Shri A.P. Sadavarte, 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. 4/8/2022**
for filing reply.

Vice Chairman

dnk.

O.A. 566/2022 (S.B.)

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

Dated : 14/07/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

The Id. P.O. files reply of R-3&4. It is taken on record and copy is given to the applicant.

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

S.O. 26/7/2022.

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 : 14/07/2022.

Heard Shri B. Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

The Id. P.O. submits that the respondents are considering the request of the applicant and seeks time to file reply.

S.O. three weeks.

Vice Chairman

dnk.

O.A. 595/2022 (S.B.)

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

Dated : 14/07/2022.

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

The Id. P.O. files reply of R-2&3. It is taken on record and copy is given to the applicant.

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

S.O. 19/7/2022.

Vice Chairman

dnk.

O.A. 691/2022 (S.B.)

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

Dated : 14/07/2022.

Heard Shri G.Gadge, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. 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 four weeks.

Vice Chairman

dnk.

Rev. A. 24/2019 in O.A. 226/2018 (S.B.)

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

Dated : 14/07/2022.

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

S.O. after two weeks.

Vice Chairman

dnk.

O.A. 793/2016 (S.B.)

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

Dated : 14/07/2022.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

Closed for orders.

Vice Chairman

dnk.

O.A. 922/2017 (S.B.)

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

Dated : 14/07/2022.

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. 951/2018 (S.B.)

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

Dated : 14/07/2022.

Heard Shri G.C. Khond, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

S.O. 28/7/2022.

Vice Chairman

dnk.

O.A. 904/2019 (S.B.)

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

Dated : 14/07/2022.

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

At the request of Id. P.O., **S.O.**
19/7/2022.

Vice Chairman

dnk.

O.A. 666/2020 (S.B.)

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

Dated : 14/07/2022.

Heard Shri R. Tajne, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

S.O. 21/7/2022.

Vice Chairman

dnk.

O.A. 10/2021 (S.B.)

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

Dated : 14/07/2022.

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

S.O. 19/7/2022.

Vice Chairman

dnk.

O.A.Nos.121,122,123 & 124 of 2018 (S.B.)

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

Dated : 14/07/2022.

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

2. The Id. counsel submits that record of local committee is necessary. The Id. P.O. submits that he will call the said record before the next date.

S.O. 18/8/2022.

Vice Chairman

dnk.

O.A. 688/2022 (S.B.)

(Praful P. Mahajan Vs. State of Mah. & Ors.)

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

Dated : 14/07/2022.

Heard Shri P.D. Meghe, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant had challenged the earlier division transfer order by which his request for transfer to Kokan Division was rejected. Therefore, he approached to this Tribunal by filing O.A. 489/2021. This Tribunal has passed order dated 8/3/2022 which is as follows -

" (1) The O.A. is allowed.

(2) The impugned order dated 4/5/2020 is quashed and set aside.

(3) Representation of the applicant dated 4/3/2020 for his Inter Division transfer to Kokan Division shall be considered by Transfer Committee afresh within three weeks from the date of receipt of this order in the light of observation made hereinabove and the decision shall be communicated to the applicant immediately.

(4) No order as to costs."

3. The respondents were directed to consider the representation of the applicant dated 4/3/2020. Thereafter, the respondents have considered the grievances of the applicant in the Inter Division Transfer Committee. The said Committee also rejected the request of the applicant for transfer to Kokan Division.

4. Heard learned CPO Shri S.A. Deo. He has pointed out the decision of the Committee. He submits that the C.Rs. of the applicant are not upto the mark. As per the G.R. dated 15/5/2019, the C.Rs. should be not less than 4 marks and marks of the applicant is about 2.63 and therefore as per G.R. dated 15/5/2019, the request of the applicant for transfer to Kokan Division was not considered. Hence, the interim relief cannot be granted.

5. The applicant had filed the earlier O.As. for the same relief and that relief was not granted by this Tribunal. There is no breach of any of the provisions of the Maharashtra

Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"). The applicant is transferred to Wani during the pendency of the O.A.489/2021. He is not due for transfer.

6. Hence, issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

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

S.O. after four weeks.

Vice Chairman

dnk.
**

(S.B.)

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

Dated : 14/07/2022.

MCA 17/2022 in O.A. 265/2022 -

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

2. This application is filed for speaking to minutes and for correction of the operative part of the order dated 8/7/2022. The applicant has filed the O.A. contending that her husband was working as a Mustering Assistant. He was absorbed in the regular service as per the G.Rs. dated 1/12/1995 and 21/4/1999. The husband of applicant retired from service, but he has not completed the qualifying service for pension. Therefore, the O.A. was filed with direction for taking into consideration of his earlier service from the date of his initial appointment of the post of Mustering Assistant.

3. This Tribunal relying on the Judgment of **Ramchandra Kondia Mahajan Vs. State of Maharashtra & Ors.**, and decided other O.As. The copy of Judgment of O.A.No.545/2020 with connected matters are filed on record. This Tribunal has granted relief to the applicant directing the respondents to consider the service

of husband of applicant from the date of his initial appointment as a Mustering Assistant for the purpose of pensionary benefits only. There is nothing wrong in the order. Hence, the MCA is dismissed. No order as to costs.

Vice Chairman

dnk.

**

O.A.No.382/2005 (D.B.)

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

Dated : 14/07/2022.

C.A.No.261/2022:-

Heard Smt. S.W.Deshpande, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. **C.A.No.261/2022 for amendment is allowed and disposed of.** The ld. counsel for the applicant is directed to carryout the amendment forthwith. He is further directed to supply the same to the other side.

3. Ld. P.O. may file reply within one week time, if possible, **S.O. one week.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.265/2019 (D.B.)

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

Dated : 14/07/2022.

Heard Shri V.G.Wankhede, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

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

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.610/2020 (D.B.)

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

Dated : 14/07/2022.

C.A.No.131/2022:-

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

2. Ld. P.O. has filed C.A. No. 131/2022 by Junior Administrative Officer, Bhandara and written that he has passed on 11.07.2022, copy of the same is supplied to the other side. Ld. counsel for the applicant is also satisfied with the same letter. Accordingly, **C.A. No. 131/2022 is disposed of.**

3. At the request of ld. P.O., **S.O. four weeks time to file reply.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.01/2021 (D.B.)

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

Dated : 14/07/2022.

C.A.No.182/2021:-

Heard Smt.Saboo, the ld. Counsel for the applicant, Shri V.A.Kulkarni, the ld. P.O. for the respondents and Shri S.A.Sahu, ld. P.O. for the respondent no. 2.

2. **C.A.No.182/2021 for amendment is allowed and disposed of.** The ld. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. **S.O. three weeks.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.341/2021 (D.B.)

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

Dated : 14/07/2022.

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

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

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.444/2021 (D.B.)

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

Dated : 14/07/2022.

Shri S.N.Gaikwad, ld. counsel for the applicant no. 1, Shri A.Joshi, ld. counsel for the applicant nos. 2 to 24 and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. As submitted by ld. counsel for the applicant, identical issue was decided in bunch of petition and that has been confirmed by Hon'ble High Court also. In view of this, Ld. P.O. is directed to take instructions from the respondents that what is the problem for not granting benefit of these applicants too.

3. **S.O. 22.07.2022.**

4. **Steno copy is granted.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.723/2021 (D.B.)

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

Dated : 14/07/2022.

Ms. S.D.Gupta, ld. counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent no. 2. 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:-14/07/2022.
aps.

Vice Chairman

O.A.No.1135/2021 (D.B.)

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

Dated : 14/07/2022.

Shri Y.Y.Humne, ld. counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent no. 4. 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:-14/07/2022.
aps.

Vice Chairman

O.A.No.427/2022 (D.B.)

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

Dated : 14/07/2022.

Shri D.M.Kakani, ld. counsel for the applicant
and Shri H.K.Pande, the ld. P.O. for the respondents.

2. The ld. counsel for the applicant submits
that applicant is from Agriculture Department, he
did not pass the examination and due to which he
has been terminated one month prior to retirement.

3. Ld. P.O. desires three weeks time to file
reply, **S.O. three weeks.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.469/2022 (D.B.)

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

Dated : 14/07/2022.

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

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

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.599/2022 (D.B.)

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

Dated : 14/07/2022.

Shri R.V.Shiralkar, 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. four weeks to file reply.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.618/2022 (D.B.)

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

Dated : 14/07/2022.

Shri S.P.Palshikar, 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. four weeks to file reply.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.616/2022 (D.B.)

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

Dated : 14/07/2022.

Shri A.M.Motlog, 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. four weeks to
file reply.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

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

O.A.No.197/2017 (D.B.)

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

Dated : 14/07/2022.

Shri S.P.Palshikar, 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. 04.08.2022 to file reply.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

C.P.No.34/2020 in O.A.No.877/2019 (D.B.)

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

Dated : 14/07/2022.

Shri I.N.Chaudhary, Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Tribunal order was passed on 09.12.2019 and department i.e. respondent no. 1 has taken action and submitted the proposal vide his letter dated 05.10.2020 (A-R-1).

3. On the reply the letter is attached to respondent no. 2 who is competent to take decision, has not taken decision. By record it appears that, respondent no. 1 again requested respondent no. 2 who is competent authority to decide the matter vide its letter dated 06.01.2021 which is a reminder to his previous letter dated 05.10.2020, this reminder has been also filed by the reply as A-R-4. It seems that no doubt delay is caused at the level of respondent no. 2.

4. In view of this, **respondent no. 2 is directed to decide the proposal submitted by respondent no. 1 vide its letter dated 05.10.2020 within three weeks from the date of receipt of this letter.**

5. **S.O. 11.08.2022.**

6. Steno copy is granted.

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.Nos.58to63,90,117&212,213,288&750/22

(D.B.)

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

Dated : 14/07/2022.

Shri S.N.Gaikwad, ld. Counsel for the applicant in O.A. No. 90/2020 and Smt.P.Rane, ld. counsel for the applicant in rest of the O.As., Shri A.M.Ghogre, the ld. P.O. for the respondents and Shri S.A.Deo, ld.C.P.O. for the respondents.

2. As explained by ld. C.P.O. there are categories of applicants:-

A. One category is of applicants' who got protection from any of the Hon'ble High Court Benches remained in service and they continued in service even though their caste certificate was invalidated by the C.V.C..

B. Particularly people of S.B.C. category they got protection from the 1995 G.R. and according to that they were in the service.

C. Whose applications are still pending with the C.V.C. and it has not been decided.

3. All the three categories are given different kind of relief. Considering the merit of the ld. C.P.O.,

three weeks time is granted to segregate all these candidates, **S.O. 05.08.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.72/2017 (D.B.)

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

Dated : 14/07/2022.

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

2. At the request of ld. Counsel for the applicant, **S.O. 21.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.621/2017 (D.B.)

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

Dated : 14/07/2022.

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

2. At the request of Id. Counsel for the
applicant, **S.O. 21.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.221/2018 (D.B.)

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

Dated : 14/07/2022.

Shri P.S.Gawai, ld. counsel for the applicant
and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. Counsel for the
applicant, **S.O. 28.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.975/2018 (D.B.)

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

Dated : 14/07/2022.

Heard Shri Sheikh Sohailludin holding for Shri A.S.Dhore, Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. Closed for orders.

Member(J)

Date:-14/07/2022.

aps.

Vice Chairman

O.A.No.143/2020 (D.B.)

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

Dated : 14/07/2022.

Shri R.D.Karode, ld. counsel for the applicant
and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. Counsel for the
applicant, **S.O. 22.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.454/2020 (D.B.)

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

Dated : 14/07/2022.

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

2. **S.O. 22.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.738/2020 (D.B.)

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

Dated : 14/07/2022.

Shri T.Rahul, ld. counsel for the applicant
and Shri M.I.Khan, the ld. P.O. for the respondents.

2. S.O. two weeks.

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

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

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

Dated : 14/07/2022.

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

2. At the request of ld. Counsel for the applicant, **S.O. 26.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.1121/2021 (D.B.)

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

Dated : 14/07/2022.

Shri S.M.Khan, ld. counsel for the applicant
and Shri M.I.Khan, the ld. P.O. for the respondents.
None for the respondent nos. 5 to 25.

2. At the request of ld. Counsel for the
applicant, **S.O. 21.07.2022.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.216/2022 (D.B.)

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

Dated : 14/07/2022.

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

2. As submitted by ld. Counsel for the applicant there were common D.E. and some people were found guilty but they have got all the retiral benefits. However, these two applicants were not found guilty but they retired and still waiting for the pensionary benefits.

3. In view of this ld. P.O. is granted one week time to file reply, **S.O. 05.08.2022**. Ld. P.O. further submitted that there are two departments involved in this matter one is Revenue and Civil Supply.

4. *Put up this matter along with O.A. No. 207/2022.*

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.Nos.562&563/2022 (D.B.)

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

Dated : 14/07/2022.

Shri D.M.Kakani, ld. counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. Last time matter was heard on 08.07.2022 and while directions given in para no. 3, since applicants are senior to persons who are likely to be promoted, applicants omitted in the zone of considerations though juniors are in the zone of consideration.

3. In view of this applicant has filed O.As. and requires justice. In view of this, **Respondents are directed that while promoting from the zone of consideration, last two posts should be kept vacant in the category of Agriculture Officer, Group-B till outcome of the O.A..**

3. Ld. P.O. is directed to file reply, **S.O. two weeks.**

4. **Steno copy is granted.**

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.Nos.273,457&458/2017 (D.B.)

Shri Y.R.Sharma & 2 Ors. Vs. State of Maharashtra & 3 Ors.
Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 14/07/2022.

Shri V.R.Borkar, ld. counsel for the applicant
and Shri H.K.Pande, the ld. P.O. for the respondents.

2. The ld. Counsel for the applicant is pleading for deemed date to be given to the applicant at par. One Shri Arwind M. Katkar, was appointed in Aurangabad and O.A. was No. O.A. No. 257/2016 was filed by Shri Katkar in the M.A.T. and order was passed on 26.09.2021. Ms. Asha Tribuvan Dongre filed O.A. No. 257/2016 in M.A.T. , Nagpur Bench and order was passed on 26.09.2019 granting relief. Operative part of the order is reproduced below:-

"1. The O.A. is allowed.

2. The impugned orders dated 14 October, 2015 (Annexure-A-1, Pg. No. 15) and dated 31 January, 2019 Annexure-A-2 (page no. 17) are hereby quashed and set aside.

3. The respondents are directed to prepare seniority list of physically handicapped forest guards and promote them as foresters, subject to availability of vacant posts.

4. There shall be no order as to costs."

3. Subsequent to that government issued G.R. dated 25.02.2005 on which ld. Counsel for the applicant has relied and as submitted by ld. Counsel for the applicant S.L.P. was filed against this order before Hon'ble Apex Court which was dismissed. Subsequent to that Government has issued this G.R. dated 25.02.2005 and as per the direction of the G.R., C.C.F., Aurangabad issued order dated 22.11.2016 and giving Shri A.M.Katkar deemed date of appointment that documents are attached with the order of the Chief Conservator of Forest, Aurangabad. Applicant in this O.A. is squarely covered by M.A.T., Nagpur Bench, order in O.A. No. 257/2016, Government G.R. dated 25.02.2005 and order of Chief Conservator of Forest, Aurangabad letter dated 22.11.2016 (A-13, Pg. No. 276) and (A-14, Pg. No. 278) also.

4. In view of this, applicant is also entitle at par like Shri A.M.Katkar and he should be also granted deemed date as per rules and regulations of appointment and promotion made applicable to Shri A.M.Katkar.

5. Hence, **O.A. is allowed.** The whole process should be completed within three months from the date of receipt of the order.

Member(J)
Date:-14/07/2022.
aps.

Vice Chairman

O.A.No.300/2018 (D.B.)
P.N.Sairise Vs. State of Maharashtra & 3 Ors.
Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 14/07/2022.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. The issue related to second time bound promotion of the applicant. Ld. Counsel for the applicant has relied on Hon'ble Apex Court Judgment in case of "**Dev Dutt Vs. Union of India & Ors. (2008) 8 SCC 725**". It is settled principle that if any C.R. which is going to affect in future to the employee, must be communicated to the employee at earliest. In fact now government has taken decision that all the C.Rs. should be communicated to the employee and for that time line has also been given for communicating the C.Rs.

3. On perusal of the C.Rs. of the applicant it is in the following table which ld. Counsel for the applicant has also produced and which is marked Exh. 'X' for the purpose of identification.

4. The applicant's C.R. for previous 05 years which has been obtained in R.T.I. is as follows:-

Sr. No.	Year	C.R. Grading	Marks
1.	2010-2011	B	4
2.	2011-2012	B+	5
3.	2012-2013	A & B	4

'Reporting officer makes it 'A' but Reviewing Officer makes it 'B' and the mark goes to '4'.

Applicant made representation on C.R. of 2012-2013 and subsequent to that it was changed as per record on page nos. 72 & 73 and it was converted into B+ marks goes to '5'.

Sr. No.	Year	C.R. Grading	Marks
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4.	2013-2014	B+	5
5.	2014-2015	B	4

5. Now if changed of C.R. after representation for the year 2012-2013 from 'B' to 'B+' applicant gets 5 marks so the table will be as follows:-

Sr. No.	Year	C.R. Grading	Marks
1.	2010-2011	B	4
2.	2011-2012	B+	5
3.	2012-2013	B+	5
4.	2013-2014	B+	5
5.	2014-2015	B	4

Total no. obtained is 23. So, average of 5 years becomes $23/5=4.6$ (rounded off to 5 equal to B+)

6. Hence, applicant is straight away eligible for 2nd A.C.P. as per above table of C.Rs. of 5 years.

7. In view of these facts and Judgments of Hon'ble Apex Court quoted (supra) respondents are directed to held special meeting and reconsider the applicant's case within six weeks time and communicate to the applicant and Id. P.O. too. 2nd A.C.P. be given as per due date of applicant.

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

Member(J)
Date:-14/07/2022.
 aps.

Vice Chairman

Rev.No.15/2021inO.A.No.818/2017 (S.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/07/2022.**

Smt. M.Iyer, ld. counsel for the applicant and
Shri S.A.Sainis, the ld. P.O. for the respondents.

2. **S.O. 04.08.2022.**

Vice Chairman

Date:-14/07/2022.
aps.