

O.A. 88/2018 (S.B.)

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

Dated : 14/12/2021.

Heard Shri A.R. Kalele, Id. counsel holding for Shri P.C. Marpakwar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2&3. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. P.O. submits that reply of R-2&3 is sufficient for other respondents.

3. 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. 06/2019 (S.B.)

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

Dated : 14/12/2021.

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

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

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

S.O. 15/12/2021.

Put up along with O.As. 903 & 904/2018.

Member (J).

dnk.

O.As. 903 & 904 of 2018 (S.B.)

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

Dated : 14/12/2021.

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

2. The reply of R-2&3 is already filed on record.

3. The matters are admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. 15/12/2021.

Put up along with O.A. 06/2019.

Member (J).

dnk.

O.A. 344/2019 (S.B.)

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

Dated : 14/12/2021.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for R-1 to 3. None for R-4.

2. The Id. P.O. files reply of R-2. It is taken on record. He submits that reply of R-2 is sufficient for other respondents.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 to 3.

S.O. After Vacation.

Member (J).

dnk.

O.A. 7512019 (S.B.)

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

Dated : 14/12/2021.

Shri P.A. Jibhkate Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri G.G. Bade, Id. counsel holding for Shri A.Y. Kapgate, 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. 960/2019 (S.B.)

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

Dated : 14/12/2021.

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

The Id. counsel submits that the respondents are served and he is filing service affidavit on record.

S.O. 21/12/2021.

Member (J).

dnk.

O.A. 344/2020 (S.B.)

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

Dated : 14/12/2021.

Shri G.K. Bhusari, 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. After Vacation** for filing reply.

Member (J).

dnk.

O.A. 733/2020 (S.B.)

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

Dated : 14/12/2021.

Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. After Vacation for filing service affidavit.

Member (J).

dnk.

O.A. 142/2021 (S.B.)

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

Dated : 14/12/2021.

Shri P.V. Thakre, 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.

Member (J).

dnk.

O.A. 207/2021 (S.B.)

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

Dated : 14/12/2021.

C.A. 370/2021 -

Heard Shri R.L. Kadu, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As per submission of learned counsel for the applicant, during the pendency of O.A., the name of applicant is removed from the waiting list for appointment on compassionate ground.

3. The application is strongly opposed by the Id. P.O. He submitted that the applicant has completed age of 45 years and therefore the name of applicant is removed from the list. The issue as to whether the removal of name of applicant is legal or not is to be decided. Hence, the C.A. for amendment is allowed. The amendment be carried out within two weeks.

O.A. 207/2021 -

Heard Shri R.L. Kadu, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

S.O. After two weeks.

Member (J).

dnk.

O.A. 653/2021 (S.B.)

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

Dated : 14/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. P.O. submits that reply of R-2 is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 &2.

4. The stay granted on 11/8/2021 is continued till next date.

S.O. 22/12/2021.

Put up along with other similar matters.

Member (J).

dnk.

O.A. 654/2021 (S.B.)

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

Dated : 14/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. None for R-3.

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. P.O. submits that reply of R-2 is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 &2.

4. The stay granted on 11/8/2021 is continued till next date.

S.O. 22/12/2021.

Put up along with other similar matters.

Member (J).

dnk.

O.A. 655/2021 (S.B.)

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

Dated : 14/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. P.O. submits that reply of R-2 is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 &2.

4. The stay granted on 11/8/2021 is continued till next date.

S.O. 22/12/2021.

Put up along with other similar matters.

Member (J).

dnk.

O.A. 657/2021 (S.B.)

(Dr. R.R. Rahute Vs. State of Mah. & Ors.)

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

Dated : 14/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and none for R-3.

At the request of Id. P.O., **S.O.**
22/12/2021 for filing reply.

Put up along with other similar matters.

Member (J).

dnk.

O.A. 974/2021 (S.B.)

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

Dated : 14/12/2021.

C.A. 369/2021 in O.A. 974/2021 -

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

2. The applicant to remove office objections.
3. Notice on C.A. be issued to the respondents returnable **After Vacation.**
4. The learned P.O. waives notice for State. Hamdast granted.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. 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 the O.A.
7. 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.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

S.O. After Vacation.

Member (J).

dnk.

O.A.St. 2348/2021 (S.B.)

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

Dated : 14/12/2021.

C.A. 402/2021 -

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As per submission of the Id. counsel for applicant, the delay is of four months in filing the O.A. due to unavoidable circumstances. The applicant has also faced corona pandemic situation. The applicant is Class-III employee and therefore he prayed to condone the delay.

3. The application is opposed by the learned P.O.

4. Looking to the prayer in the application, the delay is condoned and the C.A. for condonation of delay is allowed.

O.A.St. 2348/2021 -

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **After Vacation**. 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 Vacation.

Member (J).

dnk.

O.A. 1068/2021 (S.B.)

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

Dated : 14/12/2021.

C.A. 384/2021 -

Heard Mrs. S.V. Kolhe, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. The applicant no.1 is mother of applicant nos.2&3. They are claiming appointment on compassionate ground.

3. Looking to the prayer in the application, the C.A. for filing Jt. O.A. is allowed.

O.A. 1068/2021 -

Heard Mrs. S.V. Kolhe, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after vacation.** 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 vacation.

Member (J).

dnk.

O.A. 1015/2019 (S.B.)

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

Dated : 14/12/2021.

Archana Murrey, Id. counsel holding for Shri S.A. Marathe, Id. counsel for the applicants, Shri A.M. Khadatkar, Id. P.O. for R-1 and Smt. J.J. Alkari, Id. counsel for R-2&3.

2. The reply of R-2&3 is already filed on record.

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

S.O. in due course.

Member (J).

dnk.

O.A. 444/2015 (S.B.)

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

Dated : 14/12/2021.

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

With the consent of both the learned
counsel for parties, **S.O. 17/12/2021 (PH).**

Member (J).

dnk.

O.A. 667/2020 (S.B.)

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

Dated : 14/12/2021.

Heard Shri Tushar Mandlekar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. seeks time to file reply of R-1&2. It appears that the respondent nos.1&2 have already filed reply on record.

3. Today the O.A. is fixed for final hearing.

S.O. 5/1/2022.

Member (J).

dnk.

O.A. 366/2018 (S.B.)

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

Dated : 14/12/2021.

Heard Shri D.M. Surjuse, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri N.U. Lone, Id. counsel holding for Shri U.K. Bisen, Id. counsel for R-3.

Closed for orders.

Member (J).

dnk.

O.A. 970/2020 (S.B.)

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

Dated : 14/12/2021.

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

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Member (J).

dnk.

O.A. 640/2020 (S.B.)

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

Dated : 14/12/2021.

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

2. As per submission of learned P.O., he has received instructions about compliance order dated 30/11/2021.

3. The Id. P.O. is directed to get detailed instructions in this regard till next date.

S.O. After Vacation.

Member (J).

dnk.

O.A. 469/2021 (S.B.)

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

Dated : 14/12/2021.

Heard Shri R.L. Kadu, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. As per submission of learned counsel for the applicant, the post of Forest Guard at Deulgaon Raja is vacant. The Id. P.O. is directed to get instructions about the same till next date.

S.O. 22/12/2021.

Member (J).

*dnk.

O.A.No.109/2018 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri S.A.Sahu, 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. after vacation.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.588/2018 (D.B.)

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

Dated : 14/12/2021.

Heard Shri S.A.Sahu, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has relied on Judgment of Hon'ble High Court, Mumbai Bench at Aurangabad in W.P. Nos. 2875/2020 & 2893/2020 order was passed on 18.02.2020 and in para no. 3 interim order has been passed which is below:-

"3. In the meantime, ad-interim stay to the clauses 4.1, 4.3, 4.4, 4.5 & 4.7 of the Government Resolution dated 07.08.2012."

3. The above same is granted in this O.A. also till filing of the reply. The Id. P.O. desires time to file reply, **S.O. after vacation.**

4. Steno copy is granted.

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.556/2019 (D.B.)

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

Dated : 14/12/ 2021.

C.A.No.300/2019:-

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents. None for the respondent no. 3.

2. At the request of Id. P.O., **S.O. after vacation for reply on C.A. as well as on O.A..**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.784/2019 (D.B.)

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

Dated : 14/12/2021.

C.A.No.371/2019:-

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents. R-2 await service in C.A. & O.A..

2. At the request of Id. counsel for the applicant, both the applicants are in the same establishment. In view of this, **C.A.No.371/2019 for Jt. O.A. is allowed and disposed of.**

3. Issue fresh notice to Respondent no. 2, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.838/2019 (D.B.)

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

Dated : 14/12/2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondents and Ms. S.Ali, the Id. counsel for the respondent no. 3.

2. At the request of Id. P.O., **S.O. after vacation.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.501/2020 (D.B.)

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

Dated : 14/12/ 2021.

C.A.No.369/2020:-

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

2. The Id. counsel for the applicant submits that he has already amended the application on 09.02.2021 and supplied the copy of the same to the other side.

3. The Id. P.O. is directed to file reply on the amended part as well as on O.A., **S.O. 12.01.2022.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.876/2020 (D.B.)

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

Dated : 14/12/ 2021.

Heard Ms. S.P.Meghe, 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:-14/12/2021.
aps.

Vice Chairman

O.A.No.67/2021 (D.B.)

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

Dated : 14/12/ 2021.

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

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

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.220/2021 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri G.G.Bade, 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 to 5. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. 11.01.2022.**

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

7. *Put up this matter along with O.A. No. 343/2019.*

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A. No. 343/2019 (D.B.)

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

Dated : 14/12/2021.

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

2. **S.O. 11.01.2022.**

3. *Put up this matter along with O.A. No. 220/2021.*

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.359/2021 (D.B.)

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

Dated : 14/12/2021.

Heard Shri B.Kulkarni holding for Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed correspondence dated 03.11.2021 by Deputy Director, Public Health Services, Nagpur by which it appears that applicant has been promoted by this order. However, the Id. counsel for the applicant submits that he will handover this document to the concerned Advocate.

3. **S.O. 11.01.2022.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.424/2021 (D.B.)

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

Dated : 14/12/ 2021.

Heard Smt. Saboo, the Id. Counsel for the applicant, Shri A.M.Khandatkar, the Id. P.O. for the respondents and Shri B.Z.Kalode, the Id. counsel for the respondent no. 3.

2. At the request of Id. P.O., **S.O. after vacation.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.549/2021 (D.B.)

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

Dated : 14/12/2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

3. The Id. P.O. further seeks time to file reply of remaining respondents i.e. 1 & 2, **S.O. after vacation.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.761/2021 (D.B.)

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

Dated : 14/12/ 2021.

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

2. At the request of Id. P.O., **S.O. after vacation.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.762/2021 (D.B.)

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

Dated : 14/12/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant is pressing for Interim Relief 'Clause-C' page no. 9 of the O.A.. However, the Id. P.O. submits that applicant is not completed five year service for the examination and he is ready to ague the matter tomorrow.

4. At the request of both the counsels, **S.O. tomorrow i.e. 15.12.2021.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.1015/2021 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri B.Kulkarni and Shri P.S.Wathore, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri S.S.Sanyal, the Id. counsel for the respondent no. 3.

2. After pleadings it appears that reply of M.P.S.C. is very much required in this matter. The Id. C.P.O. is directed to ensure that either take instructions from the M.P.S.C. or better reply of M.P.S.C. before Monday and supply the same to the other side.

3. Till Monday, I.R. granted on 12.11.2021 in para no. 4 is to be continued.

4. S.O. 20.12.2021.

5. Steno copy is granted.

**Member (J)
Date:-14/12/2021.
aps.**

Vice Chairman

O.A.No.190/2018 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri M.R.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. counsel for the applicant, **S.O. after vacation.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.1089/2021 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Specific question was asked to the Id. counsel for the applicant that whether applicant has made any representation to the respondents for finalizing departmental inquiry as per his expected time limit. However, it appears that such representation has not been filed by the applicant and it is not on record also. The Id. counsel for the applicant is directed to ask the applicant to submit representation to the respondents for completing the departmental inquiry as early as possible and file the same on record.

3. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.1122/2021 (D.B.)

(Mohammed Tarique Abdul Gaffar Khanani vs. State of Maharashtra & Another)

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

Dated : 14/12/2021.

Heard Shri A.M.Sudame, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The applicant has impugned order dated 08.12.2021 (A-1) passed by respondent no. 2 whereby permission sought by him to appear for D.N.B. sponsored post graduation examination course has been rejected.

3. The applicant was initially appointed on temporary basis by respondent no. 2 by order dated 27.11.2009. Extension was granted from time to time. By G.R. dated 25.08.2021 services of the applicant and 9 ors. have been regularised. As per this G.R. the regularisation relates back to 18.03.2015. Notification of 18.03.2015 issued by Public Health Department of Government of Maharashtra is at Annexure-A-3.

4. The applicant is claiming following reliefs:-

"(i) Call for record and proceedings pertaining to impugned order/ communication dated 08.12.2021 passed by respondent no. 2 and peruse the same;

(ii) Quash and set aside impugned order/ communication dated 08/12/2021 passed by respondent no. 2."

5. While rejecting the permission sought by the applicant as aforesaid respondent no. 2 pointed out that the applicant had not passed Marathi language examination and Computer examination as provided under the "The Maharashtra Government Servants (Other than Judicial Department Servants) Marathi

Language Examination Rules, 1987" and "The Maharashtra Civil Services (Requirement of Knowledge of Computer Operation) Rules, 1999", respectively.

6. The respondent no. 2 further adverted to the fact that the Government had so far not issued orders to condone technical breaks in the services of the applicant.

7. The Id. counsel for the applicant has mainly relied on Rule 2 (f) of "The Maharashtra Government Servants (Other than Judicial Department Servants) Marathi Language Examination Rules, 1987" which is as under:-

"Government servant" means any person appointed by nomination, promotion or transfer to a Gazetted post or a Non-Gazetted Class-III post, in any Department or office under the administrative control of Government and includes officers belonging to the All India Service whether transferable or non-transferrable, but shall not include any Judicial Officers or any non-Gazetted, Class-III Judicial Department Servants."

According to the applicant, only on regularization of his services by G.R. dated 25.08.2021 (which relates back to the date 18.03.2015) he could answer to the description "Government Servants" and from that date he had two years in which to clear prescribed examinations.

8. Above referred notification dated 18.03.2015, inter alia, states:-

"2- ; k fu; ek [kkyh T; k vLFkk; h os dh; vf/kdk&; kpsl ekosku gkbjy rsl ekoskulP; k fnukdkl ki u fdeku l gk o"kmPp f" k(k.kkI kBh i frfu; P rtoj t.k.; kl kBh i k= Bj .kkj ulgh"

According to the applicant the period of six years prescribed under the aforequoted Rules has admittedly expired since, the regularization related back to 18.03.2015 and hence there was no impediment in granting him permission to appear for the examination. The applicant has admittedly not passed prescribed examinations so far though he had ample time and opportunity to do so.

9. We have gone through G.R. dated 25.08.2021. In this G.R. various terms and conditions have been stipulated which are conditions precedent for absorption in regular service. One of these conditions is:-

"5- I ekosku >kyY; k oS dh; vf/kcdk&; kulk I ekoskulp; k fnukadki kl u fdeku 6 o"K
mPp f'k{k.k.l KBh i frfu; Prhoj tkrk ; skj ukgh"

10. On conjoint consideration of the "The Maharashtra Government Servants (Other than Judicial Department Servants) Marathi Language Examination Rules, 1987", "The Maharashtra Civil Services (Requirement of Knowledge of Computer Operation) Rules, 1999", G.R. dated 25.08.2021 and the reasons given by respondent no. 2 in support of the impugned order we have come to the conclusion that the impugned order does not suffer from any infirmity. Hence, **O.A. is dismissed with no order as to costs.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.392/2016 (D.B.)

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

Dated : 14/12/ 2021.

Heard Smt. Saboo, the 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. next week.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.217/2017 (D.B.)

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

Dated : 14/12/ 2021.

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

2. The Id. counsel for the applicant submits that after the Tribunal's order, some progress has taken place for that time period prescribed is already over. However, process is going on and for that he desires six weeks time.

3. **S.O. six weeks.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.864/2017 (D.B.)

Shri R.R.Mehunkar Vs. State of Maharashtra & 2 Ors.

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

Dated : 14/12/2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents, Shri B.Kulkarni, the Id. counsel for the respondent no. 2. None for the respondent nos. 5 & 6.

2. Grievance of the applicant is that though the relevant Rules mandate giving highest preference to the candidate possessing qualification of post graduation, said prescription was given a go-by by not preferring him over the candidate who does not possess such qualification i.e. respondent no. 2.

3. The respondent no. 1 has filed reply on 25.09.2018 in para no. 13 it is stated:-

"13. With reference to para 6 (5), I say and submit that, the applicant had secured 72 marks in the written test as well as 10 marks in the Interview. Thus, having a total of 82 marks he secured 4th position in the merit list. Whereas, respondent no. 2 had secured 74 marks in the written test and 17 marks in the interview adding up to a total of 91 marks secured 1st position in the merit list. Therefore, the name of the respondent no. 2 was recommended to the appointing authority i.e. the Government."

4. Thus, it is clear that the person who scored more marks in exam i.e. 91 marks obviously got the first preference from the selection committee. It means that selection was based on merit.

5. The applicant has relied on Rule 9 (a) of M.P.S.C. Rules. The said Rule reads as under:-

"9.a. Whenever there is a provision for a preferential academic qualification or experience in the rules of recruitment of the post it shall be accorded the highest priority while shortlisting the candidates for interview (Emphasis supplied)."

The aforequoted Rule only states that highest priority shall be accorded on the basis of academic qualification or experience while shortlisting the candidates for Interview. The applicant was already shortlisted. He underwent examination and interview. Thus there is compliance of Rule 9 (a).

6. The Id. counsel for the respondent no. 2 submits that Hon'ble Apex Court has held consistently that once candidate has participated in whole process he cannot challenge the process of examination in the event of his not succeeding.

7. The Id. counsel for the applicant is relying on the Judgment of Hon'ble Bombay High Court in W.P. No. 8883 of 2009 delivered on 21.04.2010. However facts and circumstances of this case are distinguishable.

8. In view of these facts, the O.A. has no merit. Hence, **O.A. is dismissed with no order as to costs.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.38/2018 (D.B.)

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

Dated : 14/12/ 2021.

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

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

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.526/2018 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri B.Dafle, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondents and Shri B.J.Lonare, the Id. counsel for the respondent no. 2.

2. The Id. counsel for the applicant has filed some citations. It is taken on record. Copy is served to the other side.

3. At the request of Id. P.O., **S.O. 12.01.2022 for final hearing.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.772/2019 (D.B.)

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

Dated : 14/12/ 2021.

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

2. The Id. P.O. submits that the circular issued on 22.04.2010 and 21.06.1982 will not be relevant for deciding seniority in this case since many candidates selected in this list and hence seniority was decided as per their joining. It is decided as per their appointment letter and date of appointments of all the candidates by specific letter because travel time of each and every candidates will differ as per their locations.

3. Might be Id. P.O. is not aware of these facts. Hence, the Id. P.O. is directed to take instructions from the department, **S.O. after vacation.**

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

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.264/2020 (D.B.)

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

Dated : 14/12/ 2021.

Heard Shri P.K.Mishra, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondents and Shri M.Shaik, the Id. counsel for the respondent no. 4.

2. As submission made by the Id. counsel for the applicant, the order was passed on 05.01.2021 and in last para Principal Secretary, Health Department, Mumbai was directed to take instructions on the A-8, dated 03.05.2019 within a period of three weeks from the date of this order. However, the Id. counsel for the applicant submits that this decision has not been sorted till now even after 11 months.

3. In the public governance this kind of delay is not in a good taste. In view of this, respondents are again redirected that decision should be taken as early as possible and communicate the same to the other side. The Id. P.O. is directed to take necessary instructions personally regarding the candidates in this matter.

4. **S.O. 12.01.2022.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman

O.A.No.728/2020 (D.B.)

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

Dated : 14/12/ 2021.

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

2. At the request of Id. P.O., **S.O. 20.01.2022.**

Member (J)
Date:-14/12/2021.
aps.

Vice Chairman