

O.A. 421/2021 (S.B.)

(Ku. Laxmi S. Shaha Vs. State of Mah. & Ors.)

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

Dated : 16/12/2021.

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

2. The applicant is suspended by the respondent no.2 for the alleging misconduct. It is submitted that the respondent no.2 is not Appointing Authority, therefore, suspension order itself is illegal. In the additional affidavit, it is submitted by the applicant that the respondent no.2 himself recommended to the Government about the reinstatement of applicant on any other post. This itself shows that the respondent no.2 had no authority to suspend her. If he had any authority, then there was no any question for recommendation of reinstatement of the applicant.

3. Heard learned counsel for the applicant. He has pointed out the letter dated 23/8/2021 issued by the respondent no.2 to the higher authority. The learned counsel for the applicant has submitted that the applicant was suspended on 24/5/2021. The suspension period till date is more than 90 days, but the enquiry is not completed.

4. As per the submission of learned P.O., the enquiry is going on and some witnesses are examined.

5. Prima facie, it appears from the letter dated 23/8/2021 issued by respondent no.2 that the applicant is wrongly suspended by respondent no.2. The letter dated 23/8/2021 shows that the respondent no.2 is not Appointing Authority of the applicant, because, the recommendations were made to the Superior Authority by the respondent no.2 for revocation of suspension and reinstatement of the applicant. It appears that the impugned order of suspension issued by respondent no.2 itself is illegal. In that view of the matter, the following order is passed –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned order dated 24/5/2021 is hereby quashed and set aside.
- (iii) The respondents are directed to reinstate the applicant as per the rules within a period of one month from the date of receipt of this order.
- (iv) No order as to costs.

Member (J).

dnk.

O.A. 664/2021 (S.B.)

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

Dated : 16/12/2021.

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

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

Member (J).

dnk.

O.A. 666/2021 (S.B.)

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

Dated : 16/12/2021.

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

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

Member (J).

dnk.

O.A. 684/2021 (S.B.)

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

Dated : 16/12/2021.

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

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

Member (J).

dnk.

O.A. 646/2021 (S.B.)

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

Dated : 16/12/2021.

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

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

Member (J).

dnk.

O.A. 987/2017 (S.B.)

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

Dated : 16/12/2021.

None for the applicant. 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. He submits that reply of R-2&3 is sufficient to decide the matter.

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. 446/2018 (S.B.)

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

Dated : 16/12/2021.

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

2. It appears that on earlier date, i.e., on 31/10/2018 none was present for the applicant. Today also none appeared for the applicant.

3. The Id. P.O. submits that the applicant has challenged the selection process of Police Patil of the year 2018.

S.O. 23/12/2021.

Member (J).

dnk.

O.A. 754/2018 (S.B.)

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

Dated : 16/12/2021.

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

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

3. At the request of Id. P.O., **S.O. After Vacation** for filing reply of other respondents.

Member (J).

dnk.

O.A. 585/2019 (S.B.)

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

Dated : 16/12/2021.

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

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

Member (J).

dnk.

O.A. 941/2019 (S.B.)

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

Dated : 16/12/2021.

Shri Babrekar, Id. counsel holding for R.G. Kavimandan, 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-3. It is taken on record. Copy is given to the other side.

3. At the request of Id. P.O., **S.O. After Vacation** for filing reply of other respondents.

Member (J).

dnk.

O.A. 573/2020 (S.B.)

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

Dated : 16/12/2021.

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

S.O. After Vacation for filing service affidavit.

Member (J).

dnk.

O.A. 762/2020 with C.A. 212/2021 (S.B.)

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

Dated : 16/12/2021.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. for R-1&2.

2. Issue notice on O.A. to the newly added respondents returnable **After Vacation.**
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. 937/2020 (S.B.)

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

Dated : 16/12/2021.

C.A. 124/2021 -

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

2. As per submission of learned counsel for the applicant, there is delay of three and half months in filing the O.A. The delay is due to ill-health of the applicant. The applicant had lost two family members in corona pandemic.

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

O.A. 937/2020 -

S.O. After Vacation.

Member (J).

dnk.

O.A. 945/2020 (S.B.)

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

Dated : 16/12/2021.

Heard Shri A. Thakre, Id. counsel holding for Shri T.L. Pandey, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. None for R-4. Await service of R-2&3.

2. At the request of Id. counsel for applicant, issue fresh notice to the respondent nos.2&3 returnable **After Vacation**. 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. 586/2021 (S.B.)

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

Dated : 16/12/2021.

Shri K.D. Badole, 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. After Vacation** for filing reply.

Member (J).

dnk.

O.A. 699/2021 (S.B.)

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

Dated : 16/12/2021.

Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2&3.

The applicant to remove office objection.

At the request of Id. counsel, **S.O. After Vacation** for filing service affidavit.

Member (J).

dnk.

O.A. 937/2021 (S.B.)

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

Dated : 16/12/2021.

Shri A.S. Dhore, Id. counsel holding for
Shri P.N. Shende, Id. counsel for the applicant
and Shri A.M. Khadatkhar, Id. P.O. for R-1. Await
service of R-2 to 4.

The applicant to remove office
objections.

S.O. After Vacation.

Member (J).

dnk.

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

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

Dated : 16/12/2021.

Shri D.M. Totey, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 5.

The Id. counsel submits that the respondents are served and he will file service affidavit.

S.O. After Vacation.

Member (J).

dnk.

O.A. 1078/2021 (S.B.)

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

Dated : 16/12/2021.

C.A. 391/2021 -

Heard Shri D.M. Surjuse, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for State.

2. All the applicants are legal heirs of the deceased.
3. Looking to the prayer in the application, the C.A. for permission to file Jt. O.A. is allowed.

O.A. 1078/2021 -

Heard Shri D.M. Surjuse, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for State.

2. Issue fresh notice to the respondents returnable **After Vacation**. The Id. CPO 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.St.565/2020 (S.B.)

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

Dated : 16/12/2021.

C.A. 145/2020 -

Heard Shri S.R. Charpe, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for State.

2. Notice on application be issued to the respondents returnable **After Vacation**. The learned C.P.O. waives notice for State. Hamdast granted.

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 the O.A.

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 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.568/2020 (S.B.)

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

Dated : 16/12/2021.

C.A. 147/2020 -

Heard Shri S.R. Charpe, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for State.

2. Notice on application be issued to the respondents returnable **After Vacation**. The learned C.P.O. waives notice for State. Hamdast granted.

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 the O.A.

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 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. 905/2018 (S.B.)

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

Dated : 16/12/2021.

Heard Shri A.S. Dhore, 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-5&6. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that the reply of R-5&6 are 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. After Vacation.

Member (J).

dnk.

O.A. 405/2021 (S.B.)

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

Dated : 16/12/2021.

Heard the applicant in person and Shri S.A. Deo, Id. CPO for the respondents.

2. The applicant files rejoinder. It is taken on record. Copy is given to the other side.

S.O. After Vacation.

Member (J).

dnk.

O.A. 527/2017 (S.B.)

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

Dated : 16/12/2021.

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

S.O. After Vacation.

Member (J).

dnk.

O.A. 527/2019 (S.B.)

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

Dated : 16/12/2021.

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

S.O. After Vacation for filing recent G.Rs.

Member (J).

dnk.

O.A. 735/2021 (S.B.)

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

Dated : 16/12/2021.

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

By consent of both the parties, **S.O.**
21/12/2021.

Member (J).

dnk.

O.A. 577/2017 (S.B.)

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

Dated : 16/12/2021.

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

By consent of both the parties, **S.O.**
5/1/2022 (PH).

Member (J).

dnk.

O.A. 697/2021 (S.B.)

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

Dated : 16/12/2021.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

2. The Id. P.O. pointed out the joining letter of the applicant at the transferred place dated 23/11/2021. The Id. counsel seeks time to get instructions from the applicant. Time is granted till 22/12/2021.

3. The Id. P.O. has pointed out order dated 6/9/2021 in which stay was granted in respect of employee who was posted at Fulchur Naka. The said stay is hereby vacated.

S.O. 22/12/2021.

Steno copy is granted...

Member (J).

dnk.

O.A. 1046/2021 (S.B.)

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

Dated : 16/12/2021.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id .counsel for the applicant and shri S.A. Deo, Id. CPO for the State.

2. From the perusal of prayer in the O.A. it appears that, that prayer is already granted by this Tribunal in O.A. 443/2017 and other connected O.As. by order dated 7/11/2019 wherein the respondents were directed to extend benefits of the G.Rs. dated 1/12/1995 and 21/4/1999 to the applicants and absorb them in service without giving any monetary benefits.

3. In the present O.A. also the same prayer is made. Now again the same question has arisen. Whether the Tribunal / Court can grant the same relief again and again.

4. The Id. counsel for the applicant is directed to satisfy as to how this petition is maintainable,

S.O. 22/12/2021.

Steno copy is granted...

Member (J).

**dnk.

O.A.No.436/2020 (D.B.)

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

Dated : 16/12/ 2021.

Heard Shri A.Deshpande, 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. after vacation.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.704/2021 (D.B.)

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

Dated : 16/12/2021.

Heard Shri A.B.Chalak, 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 similar matter is also pending before Principal Bench and Aurangabad Bench also. If at all similar issue is pending before Principal Bench than final decision will be taken after order of the Principal Bench.

3. As further requested by Id. counsel for the applicant, **S.O. 2nd Week of January, 2022.**

4. **I.R. to be continued till next date.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.829/2016 (D.B.)

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

Dated : 16/12/ 2021.

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

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.312/2017 (D.B.)

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

Dated : 16/12/ 2021.

C.A.No.243/2017:-

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

2. As requested by Id. counsel for the applicant, Notice on C.A. to Respondents be issued returnable in **four weeks**.

3. Shri H.K.Pande, the learned P.O. waives notice for 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 the O.A.

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 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.

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:-16/12/2021.
aps.

Vice Chairman

O.A.No.689/2019 (D.B.)

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

Dated : 16/12/ 2021.

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

2. It appears that respondent no. 2 reply is required in this matter. At the request of Id. P.O., **S.O. 07.01.2022 to file reply.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.690/2019 (D.B.)

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

Dated : 16/12/2021.

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

2. The Id. P.O. has filed correspondence dated 30.09.2019 by Deputy Commissioner, Headquarter Nagpur City on behalf of the respondent no. 2. By this correspondence, grievance of the applicant has been redressed and hence nothing survives in the O.A..

3. In view of this, **O.A. is disposed of with no order as to costs.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.732/2019 (D.B.)

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

Dated : 16/12/2021.

C.A.No.08/2020:-

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

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

Member (J)

Date:-16/12/2021.

aps.

Vice Chairman

O.A.No.824/2020 (D.B.)

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

Dated : 16/12/ 2021.

Heard Shri V.Pathe, 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. after vacation to file reply as a last chance.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.839/2019 (D.B.)

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

Dated : 16/12/2021.

Heard Shri A.Barahate holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, 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 to file reply.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.863/2019 (D.B.)

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

Dated : 16/12/2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 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. due course.**

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.841/2019 (D.B.)

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

Dated : 16/12/ 2021.

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

2. As submitted by Id. counsel for the applicant, applicant's application has been considered and he desires the matter to be decided, **S.O. after vacation.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.754/2020 (D.B.)

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

Dated : 16/12/2021.

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

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.907/2020 (D.B.)

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

Dated : 16/12/2021.

Shri A.Daga, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. after vacation.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.912/2020 (D.B.)

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

Dated : 16/12/2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is 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. 17.01.2022.**

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.323/2021 (D.B.)

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

Dated : 16/12/ 2021.

Shri A.Barahate holding for Shri N.R.Saboo,
the Id. counsel for the applicant and Shri S.A.Sainis,
the Id. P.O. for the respondents.

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.458/2021 (D.B.)

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

Dated : 16/12/2021.

C.A.No.216/2021:-

Shri R.M.Fating, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Shri D.M.Surjuse holding for Shri P.B.Patil, the Id. counsel for the respondent no. 2.

2. At the request of Id. counsel for the respondent no. 2, **S.O. 07.01.2022.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.972/2021 (D.B.)

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

Dated : 16/12/ 2021.

Shri T.M.Zaheer, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

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

8. **S.O. four weeks.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.1025/2021 (D.B.)

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

Dated : 16/12/ 2021.

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

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

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

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

Dated : 16/12/2021.

Shri G.S.Sengar, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Shri A.Deshpande, the Id. counsel for the respondent no. 4.

2. At the request of Id. counsel for the respondent no. 4, **S.O. 2nd Week of January, 2022.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

C.P.No.56/2021 in O.A.No.699/2021 (D.B.)

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

Dated : 16/12/ 2021.

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

4. **S.O. four weeks.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.1116/2021 (D.B.)

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

Dated : 16/12/ 2021.

Heard Shri M.L.Vairagade, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As submitted by the Id. counsel for the applicant, applicant has applied for appointment for Police Constable as per the advertisement of Home Department dated 01.11.2019 (A-A, Pg. No. 17) and as per pg. no. 34 (A-B) in the jurisdiction of Superintendent of Police, Bhandara, there were six vacancies in O.B.C. out of that four were from General and two are female applicants have applied against female quota in Bhandara District. The Id. counsel for the applicant submits that applicant has not been evaluated properly in the field test and on her representation in response to applicant's representation department relied on Government decision dated 06.09.2019 (A-K, Pg .No. 54) where on pg. no. 59 on top it is mentioned that candidate have to attain atleast 50 percent marks in physical test. The Id. counsel for the applicant is challenging that applicant was zero marks in 800 meter race is not accepted.

3. **Respondents are directed that if any appointment is made in category of female constable O.B.C. Category that will be subject to decision of this Tribunal.**

4. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.
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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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 affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
9. 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.
10. S.O. four weeks.

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.813/2019 (D.B.)

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

Dated : 16/12/2021.

Heard Shri S.S.Dhengale, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. Closed for orders.

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.1117/2021 (D.B.)

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

Dated : 16/12/2021.

Heard Shri M.L.Vairagade, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. After perusing the documents, it appears that documents are not proper; even there is a mistake in name along with the wrong photo of the applicant too.

3. In this situation, this is not proper to hear this matter due to mistake in drafting. Hence, **S.O. next week.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.1129/2021 (D.B.)

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

Dated : 16/12/2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. As pointed out by the Id. counsel for the applicant, various documents shows that applicant was in the category of S.B.C. while in service and applicant was having Caste Validity Certificate of S.B.C.. After retirement vides impugned order dated 08.11.2021 applicant service condition has been changed to supernumerary post without giving any chance of defends to the applicant.

3. In view of this situation, **the impugned order dated 08.11.2021 (A-14, Pg. No. 49) is stayed till filing of the reply.**

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

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 O.A. Respondent is put to

notice that the case would be taken up for final disposal at the stage of admission hearing.

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 affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. 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.

10. **S.O. four weeks.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.269/2019 (D.B.)

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

Dated : 16/12/ 2021.

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

2. **Closed for orders.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.637/2019 (D.B.)

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

Dated : 16/12/2021.

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

2. **Closed for orders.**

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.No.950/2019 (D.B.)

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

Dated : 16/12/ 2021.

Heard Shri R.D.Karode, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Ms. M.P.Munshi, the Id. counsel for the respondent no. 4. None for the respondent no. 3.

2. The Id. counsel for the applicant has been directed to file representation before respondents to appointed by decision to be taken as per the provision of G.R. dated 15.12.2017 is related to employees under going D.E./ Court cases.

3. S.O. 23.12.2021.

4. Matter be treated as P.H.

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman

O.A.Nos.887,888&889/2020 (D.B.)

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

Dated : 16/12/ 2021.

Heard Shri O.D.Kakade, 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 applicant in O.A. No. 889/2020 Shri S.V.Sangole preferred an appeal before Director General of Police, Mumbai, Maharashtra State and his appeal has been decided on 09.09.2021. He is filing the order in appeal before the Tribunal.

3. In view of this situation, the Id. counsel for the applicant is directed to ask his applicant in O.A. No. 887/2020, Shri A.S.A.Nabi and in O.A. No. 888/2020, Shri A.T.Kale to prefer appeal before Director General of Police, Mumbai, Maharashtra State before pressing the Tribunal.

4. If they are aggrieved with the decision in the appeal, they are at liberty to approach this Tribunal. The respondent no. 2 i.e. Director General of Police, Mumbai, Maharashtra State is directed to decide the representations of both the above applicants in para no. 3 within 60 days from the date of receipt of their representations as per existing Rules and Regulations.

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

Member (J)
Date:-16/12/2021.
aps.

Vice Chairman