

O.A. 834/2017 (S.B.)

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

Dated : 18/11/2021.

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

2. As per the earlier order dated 12/3/2018, the learned counsel for the applicant has not filed application for condonation of delay.

3. The learned counsel for the applicant seeks two weeks time to file application for condonation of delay. Time is granted as a last chance.

S.O. two weeks.

Member (J).

dnk.

O.A. 354/2018 (S.B.)

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

Dated : 18/11/2021.

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

2. The learned 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 the reply of R-2 is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing.

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

S.O. in due course.

Member (J).

dnk.

O.A. 732/2018 (S.B.)

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

Dated : 18/11/2021.

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

2. The learned P.O. files reply of respondents. It is taken on record.

3. The matter is admitted and kept for final hearing.

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

S.O. in due course.

Member (J).

dnk.

O.A. 315/2019 (S.B.)

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

Dated : 18/11/2021.

None for the applicant. Heard 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.

3. The Id. P.O. submits that as per para-2 of the reply, the O.A. is to be disposed off. Today none present for the applicant and therefore, the matter be kept **on 22/11/2021 for final disposal.**

Member (J).

dnk.

O.A. 489/2020 (S.B.)

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

Dated : 18/11/2021.

Heard Shri N.D. Thombre, 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. four
weeks** for filing reply as a last chance.

Member (J).

dnk.

O.A. 892/2020 (S.B.)

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

Dated : 18/11/2021.

Heard Shri Gaurav Gadge, Id. counsel holding for Shri P.S. Kshirsagar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. As per submission of the Id. P.O., in O.A. No. 101/2021 this Tribunal has passed the order dated 20/10/2021 and in the same line the present O.A. also can be disposed off. Copy of the said order is placed on record and marked Exh-X.

3. Shri Gaurav Gadge, Id. counsel holding for Shri P.S. Kshirsagar, Id. counsel for the applicants seeks further time to argue the matter. At his request, **S.O. 26/11/2021.**

Member (J).

dnk.

O.A. 37/2021 (S.B.)

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

Dated : 18/11/2021.

C.A. No. 194/2021 -

Heard Shri D.S. Sawarkar, 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 on C.A.

Member (J).

dnk.

O.A. 96/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri K.D. Kadasne, Id. counsel for the applicant and Shri A.P. Potnis, 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 Id. counsel for the applicant.

3. The Id. P.O. seeks further time to file reply of R-4&5. At his request, **S.O. three weeks.**

Member (J).

dnk.

O.A. 230/2021 (S.B.)

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

Dated : 18/11/2021.

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

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

Member (J).

dnk.

O.A. 331/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri V.G. 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. three weeks** for filing reply.

Member (J).

dnk.

O.A. 522/2021 (S.B.)

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

Dated : 18/11/2021.

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1&5. Shri Almelkar, Id. counsel appears on behalf of R-2 to 4.

2. The Id. counsel for R-2 to 4 seeks time to file reply. At his request, **S.O. three weeks.**

Member (J).

dnk.

O.A. 550/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri S.N. Gaikwad, Id. counsel
for the applicants and Shri H.K. Pande, 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. 583/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri Abhijit Barhate, Id .counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. P.O. submits that he will file reply of R-2&3 during the course of day. The Id. P.O. to supply the copy to the other side.

3. The matter is admitted and kept for final hearing.

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

S.O. in due course.

Member (J).

dnk.

O.A. 685/2021 (S.B.)

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

Dated : 18/11/2021.

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

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

Member (J).

dnk.

O.A. 712/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 729/2021 (S.B.)

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

Dated : 18/11/2021.

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

2. The learned counsel for the applicant pointed out the para-5 of the order of this Tribunal dated 13/10/2021. The learned P.O. read out the letter sent by the respondent no.3. As per submission of Id. P.O., the leave application of applicant is yet to be decided and therefore pension case is pending.

3. As per submission of Id. P.O., two weeks time is granted. During this period, the applicant may approach to the office of respondent no.3 and comply the direction.

S.O. after two weeks

Steno copy is granted.

Member (J).

dnk.

O.A. 782/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&3 and Shri N.D. Thombre, Id. counsel for R-4. None for other respondent.

2. The learned counsel for the applicant wants to file amendment application. He is permitted to do so.

S.O. after two weeks.

Member (J).

dnk.

O.A.St. 685/2021 (S.B.)

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

Dated : 18/11/2021.

C.A. No. 129/2021 -

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

2. The Id. counsel for the applicant has filed C.A. for condonation of delay. The delay is of 864 days till filing the O.A. The reply on C.A. is not necessary.

3. For the reasons stated in the application, the delay is condoned. The C.A. is allowed and disposed off.

O.A.St. 685/2021 -

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

2. As per submission of the Id. P.O., the District Collector, Nagpur has rightly held that as per Govt. GAD G.R. dated 28/3/2001, the employee having third child after 31/12/2001 and therefore compassionate appointment cannot be granted. This fact is also stated by the Id. counsel for the applicant in para-6.4 of the

application and therefore the Id. P.O. submits that the O.A. may be disposed off.

3. The learned counsel for the applicant wants further time to argue the matter.

S.O. 25/11/2021 (PH).

Member (J).

dnk.

O.A. 09/2018 (S.B.)

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

Dated : 18/11/2021.

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

2. The learned P.O. submits that the reply is already filed.
3. The matter is admitted and kept for final hearing.
4. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 221/2019 (S.B.)

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

Dated : 18/11/2021.

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

2. The reply of R-1 to 3 is not filed on record.

3. At the request of Id. P.O., **S.O. four weeks** for filing reply of R-1 to 3.

Member (J).

dnk.

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

(G.S. Panzade Vs. State of Mah. & Ors.)

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

Dated : 18/11/2021.

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

2. Issue notice to the respondents returnable **after four weeks**. Learned 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

Member (J).

dnk.

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

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

Dated : 18/11/2021.

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

2. The learned counsel for the applicant submits that the matter is already heard by the Hon'ble Vice-Chairman and it is part heard.

3. In view of submission made by the Id. counsel for the applicant, the matter be placed before the Hon'ble Vice- Chairman.

Member (J).

dnk.

O.A. 930/2017 with C.A. 03/2020 (S.B.)

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

Dated : 18/11/2021.

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

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

Member (J).

dnk.

O.A. 31/2018 (S.B.)

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

Dated : 18/11/2021.

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

2. The Id. counsel submitted that the applicant has received retiral benefits. Only questions of leave of the applicant is yet to be decided by the Sanctioning Authority i.e., the respondent no.5. As per his submission, only 84 days leave are in the credit of the applicant and 42 days commuted leave can be granted. The learned counsel submits that the applicant may file separate O.A. for other grievances.

3. The prayer in the O.A. is as under –

“(i) Quash and set aside the impugned communication letter dated 3/1/2018 of R.No.3, on direction of R.No.2 is illegal for revising proposal of leave into extra ordinary leave, instead of granting leave admissible.

(ii) Direct the respondents to accept the proposal of R.No.3 for grant of leave on retirement of applicant as retiral benefit as propose vide letter dated 27/09/2017.

(iii) Direct the respondents for grant of 300 days balance leave at the credit of applicant on retirement for encashment of leave under retiral benefits and regular pension and other retirement benefits viz. Gratuity, leave encashment, other claims etc. to applicant with arrears and interest for delayed. Release increment as on 1/7/2012”.

4. Looking to the submissions made by the learned counsel and learned P.O., the respondent no.5 is directed to consider the request of the applicant for grant of leave as per the rules.

5. In view of above, the O.A. stands disposed off. No order as to costs.

Member (J).

dnk.

O.A. 253/2018 (S.B.)

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

Dated : 18/11/2021.

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

2. The learned counsel for the applicant submits that the present matter is already heard by the Hon'ble Vice-Chairman and it is part heard. In view of submission of the Id. counsel for the applicant, the matter be placed before the Hon'ble Vice-Chairman.

Member (J).

dnk.

O.A. 977/2018 (S.B.)

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

Dated : 18/11/2021.

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

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

Member (J).

dnk.

O.A. 870/2018 with C.A. 13/2021 (S.B.)

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

Dated : 18/11/2021.

Heard Shri P.B. Patil, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. With the consent of both the parties, the matter be kept **on 22/11/2021 (PH).**

Put up along with other connected O.A.

Member (J).

dnk.

O.A. 10/2019 (S.B.)

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

Dated : 18/11/2021.

Heard Ms. N.S. Pathan, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. With the consent of both the parties, the matter be kept **on 22/11/2021 (PH).**

Put up along with other connected O.A.

Member (J).

**dnk.

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

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

Dated : 18/11/ 2021.

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

2. The main grievance of the applicant is related to second assured progressive scheme; rest of the reliefs are connected with that only. The Id. counsel for the applicant has mixed up another relief clauses i.e. 'C' which is related to transfer allowances and over time and 'D' is related to T.D.S. of the applicant. He is directed to remove it immediately. He is at liberty to file separate O.A. for the same.

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 on 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:-18/11/2021.
aps.

Vice Chairman

O.A.No.987/2021 (D.B.)

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

Dated : 18/11/2021.

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

2. As per relief clause in the O.A.; point no. 10 (Pg. No. 22); the Id. counsel for the applicant has challenged the suspension order dated 02.02.2019 (A-3, Pg. No. 32) and along with that he has also asked relief in para no. III about D.E. and in para nos. IV and V are having again some different relief clauses.

3. In view of this situation, the Id. counsel for the applicant is first directed to amend the O.A. and restrict with the relief related to suspension order and its related issues.

4. The Id. counsel for the applicant is directed to amend the O.A. The Id. counsel for the applicant granted one week time to file amendment application along with proper relief clauses.

5. **S.O. one week.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/ 2021.

C.A.NO.371/2021:-

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

2. The Id. P.O. has filed reply of respondent nos. 2, 3, 5 & 6. It is taken on record. Copy is served to the other side.

3. **C.A. No. 371/2021 for amendment is allowed.** The Id. 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.

4. The Id. counsel for the applicant submits that similar matter is also pending before Principal Bench and Aurangabad Bench also. The Id. P.O. is directed to take information from Principal Bench. If at all similar issue is pending before Principal Bench than final decision will be taken after order of the Principal Bench. The Id. counsel for the applicant has also placed order of Principal Bench dated 01.09.2021 and 03.11.2021. In para no. 6 of order dated 03.11.2021 of Principal Bench on Pg. No. 17 of C.A.; relief has been granted to the applicant till next date of hearing. The Id. counsel for the applicant submits that next date of hearing in the Principal Bench is on 16.12.2021.

5. In this situation, considering the order of Principal Bench in similar matters and as per order dated 03.11.2021 (para no. 6); **respondents are directed not to terminate the applicant from service till 16.12.2021 i.e. next date of hearing of Principal Bench order.**

6. **S.O. 20.12.2021.**

7. **Steno copy is granted.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.1018/2021 (D.B.)

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

Dated : 18/11/2021.

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

2. As submitted by Id. counsel for the applicant, applicant was issued sports certificate dated 08.03.2017 (A-7, Pg. No. 72). In the said certificate at point no. 9; it is mentioned that applicant was fulfilling eligibility for sports category and so entitled for 5 % reservation under Group-C & D as per Government G.R. dated 01.07.2016. Accordingly, he was appointed vide order dated 05.08.2017 by the respondent no. 5 i.e. State Reserve Police Force, Group No. 4, Nagpur (A-8, Pg. No. 73).

3. He further submits that subsequently Deputy Director Sports and Youth Services, Aurangabad i.e. Respondent no. 3 invalidated the certificate issued on 08.03.2017 which is mentioned as reference no. 1 in the said letter and at point no. 9 in the last line of first para he has observed that earlier issued certificate is invalidated. Applicant is aggrieved with this order has approached to this Tribunal.

4. The Id. counsel for the applicant has also relied on various O.As. filed before the Principal Bench and order passed on 17.11.2021. It is marked

Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

5. Applicant has preferred an appeal dated 27.09.2021 (A-10, Pg. No. 75) against the order of Respondent no. 3 dated 07.09.2021. While hearing said petition on 17.11.2021 of Principal Bench has observed in para no. 3 that Joint Director, Sports has allowed the appeal and has directed the Deputy Director, Sports and Youth, Aurangabad to issue proper show cause notice to all the applicants and applicant had to be heard by Deputy Director about validity of certificate.

6. As per order of Principal Bench dated 17.11.2021; **Joint Director Pune is directed to decide the appeal of the applicant dated 27.09.2021 within 45 days from date of receipt of this order on the lines of order passed by Principal Bench of MAT on 17.11.2021 in various O.As. like O.A. No. 890/2021 and so on.**

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

8. *Till the decision of the Deputy Director, Pune; Respondents are directed not to take any coercive action against the applicant.*

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.1019/2021 (D.B.)

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

Dated : 18/11/2021.

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

2. As submitted by Id. counsel for the applicant, applicant's Sports Certificate invalidated by Deputy Director Sports and Youth Services, Aurangabad vide order dated 08.03.2017 (A-7, Pg. No. 81) and subsequently, the same certificate was considered to be invalidated vide order dated 07.09.2021 (A-9, Pg. No. 91) at point no. 9 in last line of first para it is mentioned that the said certificate dated 08.03.2017 which is mentioned at reference no. 1 has been invalidated.

3. Based on valid certificate, applicant has joined in the Sports Quota vide order dated 06.11.2018 (pg. no. 84) by Divisional Agriculture, Joint Director, Nagpur Division, Nagpur. Since, after three years his Sports Certificate has been invalidated. Aggrieved with that order; applicant approached to this tribunal.

4. The Id. counsel for the applicant has not filed the copy of representation; he is directed to file representation. The Id. counsel for the applicant submits that on 23.11.2021 he will ensure that

applicant will file representation before respondent no. 2 on or before 23/11/2021.

5. Similar matters are pending before respondent no. 2 i.e. Joint Director, Sports, Pune. The ld. counsel for the applicant in this O.A. has been directed to ensure that applicant submit representation by 23.11.2021 to respondent no. 2. Respondent no. 2 is directed to decide the representation of applicant in this O.A. also on the basis of other applicant's case within 45 days after receipt of representation.

6. Till the decision of the disposal of the applicant's representation; respondents are directed not to take coercive action against the applicant.

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

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.195/2017 (D.B.)

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

Dated : 18/11/2021.

C.A.No.104/2017:-

Heard Ku.K.K.Pathak, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submits that applicant is now no more and she desires to bring legal heirs on record. She is allowed to do so.

3. **S.O. two weeks.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.232/2018 (D.B.)

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

Dated : 18/11/ 2021.

Heard Shri A.P.Tathod, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents. Await service of respondent no. 4.

2. At the request of Id. P.O., O.A. is **admitted** and kept for final hearing.

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

4. **S.O. in due course.**

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

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.303/2019 (D.B.)

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

Dated : 18/11/2021.

None for the applicant. Shri A.M.Khadatkar,
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. in due course.**

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

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/2021.

None for the applicant. Shri H.K.Pande, 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:-18/11/2021.
aps.

Vice Chairman

O.A.No.572/2020 (D.B.)

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

Dated : 18/11/2021.

Heard Shri K.D.Bhende holding for Shri O.Y.Kashid, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of Id. counsel for the applicant, **S.O. next week.**

3. *Till that time, the Id. counsel for the applicant is directed to serve the notices.*

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/2021.

Heard Shri R.S.Khobragade, 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. four weeks to file reply.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/2021.

Heard Shri N.D.Thombre, 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 is a retired person. Hence, at the request of Id. P.O., **S.O. four weeks to file reply as a last chance.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/2021.

None for the applicant. Shri H.K.Pande, the
Id. P.O. for the Respondents. None for respondent
nos. 4 to 11.

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

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.679/2021 (D.B.)

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

Dated : 18/11/2021.

Heard Shri G.K.Bhusari, 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. three weeks to file reply.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.Nos.707&708/2021 (D.B.)

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

Dated : 18/11/ 2021.

Heard Shri M.R.Khan, 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; O.A. Nos. 707 & 708/2021 both are similar. The Id. P.O. submits that he has received parawise comment in O.A. No. 707/2021 and file reply within two weeks time. He is directed to file reply in O.A. 708/2021 also. Since, both the matters are same and it will be heard together.

3. **S.O. two weeks to file reply.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.753/2021 (D.B.)

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

Dated : 18/11/2021.

Heard Shri B.Kulkarni, 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. P.O., **S.O. two weeks to file reply.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.858/2021 (D.B.)

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

Dated : 18/11/2021.

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant submits that he has already served the respondent no. 2. Office is directed to verify the same.

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

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.St.No.307/2018 (D.B.)

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

Dated : 18/11/2021.

C.A.No.41/2018:-

Heard Shri Barahate holding for Shri N.R.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:-18/11/2021.
aps.

Vice Chairman

O.A.St.No.1148/2018 (D.B.)

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

Dated : 18/11/ 2021.

C.A.NO.164/2018:-

Heard Shri P.P.Khaparde, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed C.A. No. 164/2018 for condonation of delay; the delay is only for 6½ months. Considering the short duration of delay, the **C.A. No. 164/2021 for condonation of delay is allowed.**

3. Issue notice to Respondents, 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:-18/11/2021.
aps.

Vice Chairman

O.A.No.1020/2021 (D.B.)

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

Dated : 18/11/ 2021.

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

2. It appears that without asking initial explanation from applicant; chargesheet has been served and Inquiry Officer has also been appointed. It further appears that there are two posts:-

- A. The Assistant Commandant-1.
- B. Assistant Commandant-2.

3. On perusal of documents; it appears that the Inquiry Officer was appointed Assistant Commandant-2, however at that relevant time Assistant Commandant-1 i.e. Shri L.R.Mishra was holding additional charge of Assistant Commandant-2 post, which might be vacant and when new officer Shri Pramod Lokhande i.e. R-3 joined to the post of Assistant Commandant-2. Automatically he became Inquiry Officer in this case.

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. **It is made clear that if at all Inquiry is completed; respondents should not take any coercive action against applicant till the outcome of the O.A..**

11. **S.O. four weeks.**

12. **Steno copy is granted.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The issue related to appointment of Driver Police Constable, Amravati City. The Id. counsel for the applicant has filed result sheet and submitted that there were six posts in O.B.C. quota, out of which three are from Open Category, two are from Female Horizontal Reservation and one post is reserved for Ex-Serviceman quota. He has filed result sheet which is at pg. no. 36; which was examined by Bench at Sr. No. 4 on pg. no. 36 Shri A.B.Taywade has been taken against O.B.C. Ex-Serviceman just below him at Sr. No. 5 candidate Shri S.A.Chaudhary has written in the column of Ex-Serviceman 'Yes' and he has also been taken in O.B.C. quota (Ex-serviceman quota).

3. The applicant Shri P.R.Yadav is at waiting list no. 1 and has obtained 123 marks. The contention of the applicant is that since Shri A.V.Taywade has already been taken in the Ex-Serviceman horizontal reservation quota, it means that as per the advertisement the quota of Ex-Serviceman has been exhausted. So, if the second number candidate of Ex-serviceman has not been taken; the applicant will be in the selection zone. The applicant has filed

representation also to Commissioner of Police, Amravati i.e. Respondent no. 2; the said representation has been rejected by order dated 03.11.2021 (A-5, Pg. No. 41).

4. However, in the interest of justice; **respondents are directed not to issue appointment letter to second person in Ex-Serviceman quota i.e. Respondent no. 3 Shri S.A.Choudhari in O.B.C. quota till appearance of respondent no. 3 before this Tribunal and submit his reply.**

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. four weeks.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.191/2018 (D.B.)

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

Dated : 18/11/2021.

None for the applicant. Shri A.P.Potnis, the
Id. P.O. for the Respondents.

2. As submitted by Id. P.O., reply and rejoinder
have been filed. Hence, matter is **admitted** and kept
for final hearing.

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

4. **S.O. in due course.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.427/2019 (D.B.)

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

Dated : 18/11/2021.

Heard Shri P.N.Shende, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 & 2 and Shri K.P.Mahalle, the Id. counsel for the respondent nos. 3 & 4.

2. As submitted by Id. P.O., reply and rejoinder have been filed. The Id. counsel for the respondent nos. 3 & 4 desires two weeks time.

3. Hence as submitted above, the matter is **admitted** and kept for final hearing.

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

5. **S.O. 02.12.2021.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.53/2021 (D.B.)

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

Dated : 18/11/2021.

Heard Shri B.Kulkarni, 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. one week to file rejoinder.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.318/2021 (D.B.)

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

Dated : 18/11/ 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. In order dated 17.09.2021 in para no. 7; the Id. P.O. was directed to take instructions regarding fourth coming D.P.C. for the year 2021. Since, as per the reply on behalf of the respondent nos. 2 & 3 in para no. 6 (Pg. No. 100) :-

"6. It is pertinent to note here that, the applicant's case for promotion has been considered twice by the department as per the provision of above quoted government resolution and the D.P.C. had taken a conscious decision not to promote the applicant on the post of A.P.I.. As stated above the applicant's case will again be considered in the fourth coming D.P.C. for the year 2020-2021 and the applicant's case will be examined as per the G.R. dated 15.12.2017 and the result of the same will be communicated to the applicant."

3. The Id. P.O. submits that he is yet to receive the instructions regarding fourth coming D.P.C.. In the Government Department normally D.P.C. is

completed by the end of October. Now, November is going on.

4. In view of this, as per their own reply, they should complete fourth coming D.P.C. 2020-2021 before 15.12.2021 and communicate to the Bench as well as Id. counsel for the applicant too.

5. **S.O. 20.12.2021.**

6. **Steno copy is granted.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.Nos.609,613&614/2021 (D.B.)

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

Dated : 18/11/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

2. The Id. C.P.O. has filed letter dated 02.11.2021 and along with that he has also attached letter of M.P.S.C. dated 05.08.2021. As per this communication; the applicants are failed. Hence, nothing remains in the O.A. However, since the Id. counsel for the applicant desires to contact the applicants in this regard.

3. **S.O. 29.11.2021.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.785/2014 (D.B.)

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

Dated : 18/11/2021.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 to 3 and Shri B.C.Pal, the Id. counsel for the respondent nos. 5 to 7, 10, 11, 15, 16, 18, 22, 39, 34 to 36, 41, 43, 45 & 46.

2. At the request of Id. counsel for the respondent nos. 5 to 7, 10, 11, 15, 16, 18, 22, 39, 34 to 36, 41, 43, 45 & 46, **S.O. two weeks.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.637/2014 (D.B.)

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

Dated : 18/11/2021.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the Respondents. None for the respondent
no. 4.

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

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

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

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

Dated : 18/11/2021.

Heard Shri G.M.Shitut, 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. 14.12.2021 to take instructions from the department.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman

O.A.No.287/2018 (D.B.)

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

Dated : 18/11/2021.

Heard Shri G.M.Shitut, 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:-18/11/2021.
aps.

Vice Chairman

O.A.Nos.537/2019 & 261/2021 (D.B.)

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

Dated : 18/11/2021.

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

2. **Closed for orders.**

Member (J)
Date:-18/11/2021.
aps.

Vice Chairman