

O.A. 102/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri G.K. Bhusari, 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. two weeks**

Vice Chairman

dnk.

O.A. 639/2021 (S.B.)

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

Dated : 22/06/2022.

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

2. As per the submission of learned counsel for the applicant, the applicant is accommodated in Pune Division and therefore grievances of the applicant are redressed and hence he does not want to proceed further.

3. In view of submission of learned counsel for the applicant, the O.A. is disposed off. No order as to costs.

Vice Chairman

dnk.

O.A. 411/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri A. Motley, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.As. 195 & 196 of 2021 (S.B.)

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

Dated : 22/06/2022.

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

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

Vice Chairman

dnk.

O.A. 540/2021 (S.B.)

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

Dated : 22/06/2022.

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

At the request of Id. P.O., **S.O. one week**
for filing reply.

Vice Chairman

dnk.

O.A. 576/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri S. Malode, 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-4. It is taken on record. Copy is given to the applicant.

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

Vice Chairman

dnk.

O.A. 643/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman

dnk.

O.A. 669/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

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

Vice Chairman

dnk.

O.A. 678/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri A. Motley, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. P.O . files reply of R-2 to 4. It is taken on record. Copy is given to the applicant.

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

4. The applicant is at liberty to file rejoinder, if any.

S.O. in due course.

Vice Chairman

dnk.

O.As. 863 & 864 of 2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri N.D. Thombre, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4&5 in O.A. 864/2021.

At the request of Id. counsel for the applicants, **S.O. next week** for filing relevant citations.

Vice Chairman

dnk.

O.A. 1006/2021 (S.B.)

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

Dated : 22/06/2022.

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

2. At the request of Id. P.O., **S.O. 13/7/2022**
for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 1037/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri G.G. Bade, 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. two weeks** for filing reply.

Vice Chairman

dnk.

O.A. 93/2022 (S.B.)

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

Dated : 22/06/2022.

Heard Shri A.G. Shitut, 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. three weeks** for filing reply.

Vice Chairman

dnk.

O.A. 127/2022 (S.B.)

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

Dated : 22/06/2022.

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

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

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

S.O. in due course.

Vice Chairman

dnk.

O.A. 221/2022 (S.B.)

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

Dated : 22/06/2022.

C.A. 100/2022 -

Heard Shri V.R. Borkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel for the applicant has filed C.A. for grant of permission to file Jt. O.A.

3. The applicants are claiming same relief and they are legal heirs of deceased employee. Hence, permission is granted to file Jt. O.A. The C.A. is allowed.

O.A. 221/2022 –

Heard Shri V.R. Borkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

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

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

Vice Chairman

dnk.

O.A. 401/2022 (S.B.)

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

Dated : 22/06/2022.

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

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

Vice Chairman

dnk.

O.A. 513/2022 (S.B.)

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

Dated : 22/06/2022.

Heard Shri V.R. Borkar, 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. four weeks** for filing reply.

Till then, interim relief to continue.

Vice Chairman

dnk.

O.A. 1165/2021 (S.B.)

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

Dated : 22/06/2022.

Heard Shri 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. files reply of R-3. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that reply of R-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. two weeks.

Vice Chairman

dnk.

(S.B.)

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

Dated : 22/06/2022.

C.A. 210/2022 in O.A. 519/2022 -

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

2. The learned P.O. is directed to get instructions how much time is required to comply the order dated 6/5/2022.

S.O. 23/6/2022.

Vice Chairman

dnk.

O.A. 707/2020 (S.B.)

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

Dated : 22/06/2022.

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

S.O. 23/06/2022.

Vice Chairman

dnk.

O.A. 901/2020 (S.B.)

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

Dated : 22/06/2022.

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

S.O. 23/06/2022.

Vice Chairman

dnk.

O.A. 229/2016 (S.B.)

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

Dated : 22/06/2022.

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

S.O. 30/06/2022.

Vice Chairman

dnk.

O.A. 82/2020 (S.B.)

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

Dated : 22/06/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&3. None for R-2.

The Id. counsel for the applicant submitted that Smt. Alkari, Id. counsel for R-2 informed him that now she is not on the panel of VIDC. The Id. P.O. is requested to inform and get instructions in this regard.

S.O. 6/7/2022.

Vice Chairman

dnk.

O.A. 615/2021 (S.B.)

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

Dated : 22/06/2022.

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

S.O. 24/6/2022.

Vice Chairman

dnk.

O.A. 705/2021 (S.B.)

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

Dated : 22/06/2022.

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

S.O. 28/06/2022.

Vice Chairman

dnk.

O.A. 213/2021 (S.B.)

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

Dated : 22/06/2022.

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

2. As per the submission of learned counsel for the applicant, the departmental inquiry is not completed. The applicant is suspended on 11/11/2019. He has pointed out the Judgment of Hon'ble Apex Court in case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Ano., AIR 2016 SC,101** and G.R. dated 9/7/2019.

3. The learned P.O. submits that the departmental inquiry is going on and two witnesses are examined. The learned P.O. has filed letter dated 17/6/2022. It is taken on record and marked Exh-X for identification. As per this letter, the inquiry is fixed on 29/6/2022.

4. The learned P.O. requested for time to get instructions about the progress of the inquiry.

5. The matter be kept for final hearing on **6/7/2022 (PH)**.

Vice Chairman

dnk.

O.A. 611/2021 (S.B.)

(Mohasin Khan H.S. Khan Vs. State of Mah. & ors.)

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

Dated : 22/06/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

2. As per the submission of learned counsel for the applicant, the impugned transfer order is modified as per order dated 15/9/2021 (P-61) so far as the respondent no.4 is concerned.

3. The learned counsel for the applicant submitted that in the general transfer orders, if the respondents / authority consider choice posting of the applicant as per the communication dated 11/5/2022, the O.A. can be disposed of.

4. The impugned transfer is already modified by the respondents / authority. The learned counsel for the applicant has filed pursis dated 20/6/2022.

5. In view of the Pursis dated 20/06/2022, the respondents are directed to consider the choices given by the applicant in the coming general transfers of the year 2022 as per the communication dated 11/5/2022, if the post is available.

6. The O.A. is disposed off. No order as to costs.

Steno copy is granted...

Vice Chairman

dnk.

O.A. 03/2020 (S.B.)

(Dr. Narendra B. Mawale Vs. State of Mah.& ors.)

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

Dated : 22/06/2022.

MCA No.06/2020 -

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

2. The MCA is not pressed by the learned counsel for the applicant. Hence, it is disposed off.

O.A. 03/2020 -

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

2. As per the submission of learned counsel, the applicant has joined at Akot as per the order passed by this Tribunal dated 16/1/2020. Now he is due for transfer. The wife of applicant is working at Akola. The applicant has moved online application for transfer on the vacant post at General Hospital, Akola.

3. The learned counsel submitted that the respondents be directed to consider the request of the applicant for posting at Akola.

4. The learned counsel has filed Pursis dated 22/6/2022. It is taken on record and marked Exh-X for identification.

5. As per the direction of this Tribunal dated 16/1/2020, the applicant has joined at Akot. As per submission of learned counsel, now the applicant has completed normal tenure on the present post. The applicant has requested for transfer to Akola and copy is filed on record.

6. In that view of the matter, the respondents are directed to consider the request of the applicant for posting at General Hospital, Akola as per the Government policy of husband and wife can be posted together.

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

Steno copy is granted..

Vice Chairman

dnk.

O.A. 625/2022 (S.B.)

(Nanaji G. Dube Vs. State of Mah. & Ors.)

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

Dated : 22/06/2022.

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

2. As per the submission of learned counsel, the applicant is retired on 30/04/2007. The respondents have issued recovery order dated 13/8/2021 by which excess paid amount of Rs. 3,77,356/- is proposed to be recovered and second instalment of arrears of 7th Pay commission amount of Rs.19,525/- is recovered from the said amount and remaining paid excess amount of Rs.3,57,831/- is proposed to be recovered of Rs.3,000/- p.m. from the pension of the applicant.

3. The learned counsel submitted that the applicant was a retired Group-C employee. As per the Judgment of Hon'ble Supreme Court in case of **State of Punjab & Ors. Vs. Rafiq Masih (White Washer) AIR 2015, SC 696**, the recovery cannot be made from a retired Group-C employee.

4. Heard the learned P.O. Shri M.I. Khan. He has strongly objected the application.

5. The learned counsel for the applicant has pointed out the Judgment of Hon'ble Supreme Court in case of **High Court of Punjab and Haryana & Ors. Vs. Jagdev Singh (2016) 4 SCC,267**. The para-11 of the Judgment reads as follows –

“(11) The principle enunciated in proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.”

6. The learned counsel submitted that as per the Judgment of Hon'ble Supreme Court in case of **State of Punjab & Ors. Vs. Rafiq Masih (White Washer) AIR 2015, SC 696**, the recovery cannot be made.

7. At this stage it cannot be said that whether there was any undertaking given by the applicant or not. Moreover, the applicant was a Group-C employee. The case of **High Court of Punjab and Haryana & Ors. Vs. Jagdev Singh (2016) 4 SCC,267** was the case of the Judicial Officer who had given undertaking stating that if there is any excess payment then that can be recovered from him.

8. In view of the Judgment of Hon'ble Supreme Court in case of **State of Punjab & Ors. Vs. Rafiq Masih (White Washer) AIR 2015, SC 696**, the impugned recovery order dated 13/8/2021 is hereby stayed until further orders.

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

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

11. 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.

12. 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.

13. 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.

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

S.O. after four weeks.

Vice Chairman

dnk.
**

O.A.No.709/2019 (D.B.)

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

Dated : 22/06/2022.

C.A. No. 237/2022:-

Heard Shri D.S.Sawarkar, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. **C.A.No.237/2022 for early hearing is allowed and disposed of.**

3. **S.O. last week of July, 2022 for final hearing.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

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

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

Dated : 22/06/2022.

C.A. No.131/2022:-

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

2. Reply has been filed on behalf of the respondent no. 4 on O.A.. As requested by ld. counsel for the applicant, stay granted in order dated 08.10.2020 will be continued. Hence, **stay is continued.**

3. It is the case of supernumerary post where post has to be created. Ld. P.O. said that he has to take instructions from Treasury, Bhandara and submit the instructions tomorrow.

4. **S.O. tomorrow i.e. 23.06.2022.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.466/2021 (D.B.)

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

Dated : 22/06/2022.

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

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.672/2021 (D.B.)

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

Dated : 22/06/2022.

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

2. At the request of Id. P.O., **S.O. 06.07.2022 to file reply.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.728/2021 (D.B.)

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

Dated : 22/06/2022.

Heard Shri P.B.Patil, 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 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. 11.07.2022 for final hearing.**

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.983/2021 (D.B.)

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

Dated : 22/06/2022.

Heard Shri M.V.Bute, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 2 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 ld. P.O. waives notices for the respondents.

5. **S.O. 1st week of August, 2022.**

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.212/2022 (D.B.)

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

Dated : 22/06/2022.

Heard Ms.M.P.Munshi, the ld. Counsel for the applicant, ShriH.K.Pande, the ld. P.O. for the respondents and Shri P.R.Parsodkar, the ld. Counsel for the R-5.

2. At the request of ld. counsel for the respondent no. 5, **S.O. 08.07.2022 to file reply.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.343/2022 (D.B.)

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

Dated : 22/06/2022.

Heard Shri A.A.Potnis, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 1 & 2. 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 ld. P.O. waives notices for the respondents.

5. **S.O. 01st Week of August, 2022.**

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.503/2022 (D.B.)

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

Dated : 22/06/2022.

None for the applicant. Shri S.A. Deo, the Id.
C.P.O. for the State.

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.573/2022 (D.B.)

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

Dated : 22/06/2022.

None for the applicant. Shri S.A. Deo, the Id.
C.P.O. for the State. Await service of R-2.

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

Rev.No.31/2019 in O.A.No.799/2011 (D.B.)

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

Dated : 22/06/2022.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of R-2 to 4.

2. Respondents have not been served. Office is directed to issue fresh notice on review to Respondents, returnable on three weeks. Learned C.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. three weeks.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

C.A. No. 96/2022 in O.A. No. 556/1995 with

C.A. Nos. 43/2016, 52/2016, 53/2016, 428/2016, 101/2017, 246/2017, 247/2017 with (M.C.A. No. 40/2017) in C.A. No. 75/2018, C.A. No. 379/2018& C.A. No. 345/2021(D.B.)

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

Dated : 22/06/2022.

C.A.No.345/2021:-

Heard Shri K.Deogade, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The ld. counsel for the applicant submitted that he has filed pursis for not pressing the Civil Application Nos. 52/2016, 428/2016, 247/2017, 75/2018 & 379/2018& M.C.A. No. 40/2017. Hence, **all the above C.As. along with M.C.A. stands disposed of.**

3. However, ld. counsel for the applicant submits that he has filed **C.A. No. 96/2022 for amendment, which is allowed and disposed of.**Ld. counsel for the applicant is directed to make the said amendment till evening of 24.06.2022. He is further directed to supply the same to other side. Ld. P.O. is further granted two weeks time to submit his reply on amended portion.

4. The ld. counsel for the applicant further submits that he has filed C.A. No. 345/2021 for compliance of the order he will not press for that C.A.. Hence, **that C.A. is also disposed of.**

5. The ld. counsel for the applicant further submits that the C.A. No. 43/2016 for making co-applicant and C.A. No. 53/2016 is for condonation of delay for making co-applicant. So, it is not possible for him to withdraw these C.As. because it was filed by the another counsel.

6. The ld. Counsel for the applicant further submits that C.A. No. 101/2017 is for waiving of notice for re-paper publication to 950 persons and C.A. No. 246/2017 is for application of waiving of notices by paper publication to 950 person that is for third time. Hence, he is not pressing these C.As. also.

7. **S.O. 08.07.2022 with the direction that no further adjournment will be granted in this matter and if possible the Bench will hear the matter on 09.07.2022 too.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.755/2020 (D.B.)

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

Dated : 22/06/2022.

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

2. As submitted by ld. counsel for the applicant the matter was admitted on 18.08.2021 and today it was listed for final hearing. However, matter is listed in admission caption. Hence, **office is directed to keep this matter on 28.06.2022 for final hearing in Hearing Party Matter Caption.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.417/2022 (D.B.)

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

Dated : 22/06/2022.

Heard Shri P.K.Mishra, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the State.

2. As per submission made by ld. counsel for the applicant, applicant was given promotion to Police Hawaldar vide order dated ___(A-2, Pg. No. 15). Date is not mentioned in the covering letter of the promotion order or not in the bottom of the letter. Ld. counsel for the applicant is directed to place this document on record with appropriate date which is legible. Subsequently, applicant promotion was withdrawn vide order dated 04.09.2014 and vide order dated 28.02.2015 his junior Shri PravinJaware is promoted. With this grievance applicant approached to this Tribunal.

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:-22/06/2022.
aps.

Vice Chairman

O.A.No.647/2022 (D.B.)

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

Dated : 22/06/2022.

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

2. The applicant applied for the post of Statistical Analyst as per the advertisement dated 21.02.2019 (Pg. Nos. 52 to 60). The applicant appeared and selection list was published on 09.06.2021 (A-10, Pg. No. 71) in which applicant appeared at Sr. No. 20. Since, there was one post of O.B.C., Sports Quota; applicant is at Sr. No. 20 in the selection list, the other candidate is at Sr. No. 21.

3. By record, it appears that Assistant Registrar (Examination and Enquiry) R.T.N.M.U. has certified the Government Certificate about the Educational Qualification for study by order dated 25.06.2021 (A-11, Pg. No. 72) again Deputy Director, Health Services, Pune referred the matter to Vice Chancellor, R.T.N.M.U. vide letter dated 05.07.2021 from Vice Chancellor office reply has been given by letter dated 22.07.2021 (A-13, Pg. No. 74) which is in favour of the applicant. Though the list was published on 09.06.2021 (A-10, Pg. No. 71), till now applicant has not been given appointment letter.

4. It is made clear that if already appointment is not been made it should be clear

to the candidates that it should be subject to outcome of the O.A.

5. The ld. counsel for the applicant further requested that he may permit to make changes inspite of R-2 he has written R-3. He is permitted to do so.

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

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

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

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

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

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. **S.O. four weeks.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.Nos.537,538,539&540/2015 (D.B.)

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

Dated : 22/06/2022.

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

2. **Closed for orders.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.314/2014 (D.B.)

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

Dated : 22/06/2022.

Heard Shri N.D.Thombre, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. Closed for orders.

**Member(J)
Date:-22/06/2022.
aps.**

Vice Chairman

O.A.No.318/2015 (D.B.)

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

Dated : 22/06/2022.

Heard Shri D.S.Sawarkar, the ld. Counsel for the applicant, Shri S.A.Sainis, the ld. P.O. for the respondents and Shri K.S.Motwani, ld. counsel for the R-4.

2. At the request of ld. P.O., **S.O. 05.07.2022.**

3. **Put this matter along with the O.A. No. 777/2016.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.777/2016 (D.B.)

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

Dated : 22/06/2022.

Heard Shri K.S.Motwani, the ld. Counsel for the applicant, Shri S.A.Sainis, the ld. P.O. for the respondents and Shri D.S.Sawarkar, ld. counsel for the respondent no. 4.

2. At the request of ld. P.O., **S.O. 05.07.2022.**
3. **Put up this matter along with O.A. No. 318/2015.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.300/2018 (D.B.)

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

Dated : 22/06/2022.

Heard Shri N.R.Saboo, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 24.06.2022.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.1011/2018 (D.B.)

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

Dated : 22/06/2022.

Heard Shri R.V.Shiralkar, the ld. Counsel for the applicant, Shri S.A.Sainis, the ld. P.O. for the respondents and Shri B.Kulkarni, the ld. counsel for the respondent nos. 3 & 4.

2. At the request of ld. P.O., **S.O. 28.06.2022.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.22/2020 (D.B.)

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

Dated : 22/06/2022.

Heard Shri G.K.Bhusari, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. one week.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.Nos.160&932/2021 (D.B.)

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

Dated : 22/06/2022.

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

2. At the request of ld. P.O., **S.O. 30.06.2022.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.502/2021 (D.B.)

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

Dated : 22/06/2022.

Heard Shri A.A.Potnis, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

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

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.915/2021 (D.B.)

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

Dated : 22/06/2022.

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

2. At the request of ld. counsel for the applicant, **S.O. Friday i.e. 24.06.2022.**

3. However, it is made clear that the matter is fixed for final hearing and if pleading will not be done by the ld. counsel at next hearing then stay will be vacated.

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman

O.A.No.210/2022 (D.B.)

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

Dated : 22/06/2022.

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

2. At the request of ld. P.O., **S.O. 29.06.2022.**

Member(J)
Date:-22/06/2022.
aps.

Vice Chairman