

O.A. 265/2010 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

At the request of Id. counsel for the applicant, **S.O. three weeks** to comply the order of this Tribunal.

Member (J)

Vice-Chairman

dnk.

728/2015 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

C.A. 89/2022 -

Heard Shri S.U. Bhuyar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri V.B. Gawali, Id. counsel for R-2.

2. For the reasons stated in the civil application, the C.A.No. 89/2022 for withdrawal of the O.A. No.728/2015 is allowed and disposed off.

C.A. 95/2021 -

2. The C.A. No. 95/2021 also stands disposed off.

728/2015 –

Heard Shri S.U. Bhuyar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri V.B. Gawali, Id. counsel for R-2.

In view of C.A.No. 89/2022, the O.A. is disposed off as withdrawn. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 561/2019 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

The applicant to remove office objections.

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

Member (J)

Vice-Chairman

dnk.

O.A. 704/2020 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

Heard Shri R.M. Fating, Id .counsel holding for Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Shri H.D. Marathe, Id. counsel appears and submits that he has filed vakalatnama in office on behalf of R-2 to 4.

2. Shri Marathe, Id. counsel files reply of R-2 to 4. It is taken on record and copy is given to the other side.

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

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

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 296/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

The applicant to remove office objections.

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

Put up along with O.A. 298/2021.

Member (J)

Vice-Chairman

dnk.

(D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

C.A. 160/2021 in O.A. 416/2021-

Heard Shri Barhate, Id .counsel holding for Shri N.R. Saboo, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2, none for R-3 to 9 (Intervener).

2. As submitted by the Id. P.O., the applicant has been promoted in the DPC held in the year 2022. The Id. P.O. is directed to supply copy of promotion order of the applicant.

3. Two weeks time is granted to the Id. counsel for the applicant to file rejoinder in promotion order, if he so desires.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 577/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 803/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-2 to 4.

3. Shri Marathe, Id .counsel submits that he has already filed reply of R-2 to 4 in office. Copy is given to the other side. He submits that it is sufficient to decide the matter.

4. The matter is admitted and kept for final hearing. The Id. P.O. and Id .counsel for R-2 to 4 waive notice for the respective respondents.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 1001/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

Heard Shri A.R. Kalele, Id. counsel holding for Shri P.M. Sinha, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and none for R-5.

3. The Id. P.O. files reply of R-4. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that reply of R-4 is sufficient to decide the matter.

4. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 to 4.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 1144/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

2. The applicant to remove office objections.

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

4. 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)

Vice-Chairman

dnk.

O.A. 709/2018 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 298/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 04/03/2022.

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

The applicant to remove office objections.

S.O. two weeks along with O.A. 296/2021.

Member (J)

Vice-Chairman

dnk.

O.A. 229/2022 (D.B.)

(B.S. Gaikwad, Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

Heard Shri I. D. Maniya, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for State.

2. The applicant's grievance is that the applicant applied for the post of Police Constable Driver against Advertisement of 2019 in which it is mentioned in Clause (A) that those vacancies taken into account upto 31/12/2019.

3. As submitted by the Id. counsel for the applicant, the applicant was appointed vide order dated 14/1/2022 (A-7,P-38 to 43) and applicant's name appears at Sr.No.14. Subsequently, vide impugned order dated 1/2/2022 (A-9,P-45) appointment of the applicant has been cancelled, as per Clause 11.10 (P-52) of the recruitment rules dated 30/11/2019 (A-10,P-47 to 63). Aggrieved with the impugned order, the applicant has approached to this Tribunal.

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 50/2021 in O.A. 778/2019 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

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

2. In the earlier round of litigation, the applicant has filed O.A. No. 778/2019 which was decided by this Tribunal on 2/2/2021 (A-1,P-8). The operative part of the order is at page nos.6&7 which is reproduced as below –

*“ The respondents are directed to issue time bound promotion / Assured Career Progressive benefit to the applicant from the date he has completed the age of 45 years. The respondents shall fix the salary of the applicant, pay him the arrears and revise his pension. The respondents are directed to comply this order **within six months** from the date of this order. No order as to costs.”*

3. The State Government has approached to the Hon'ble High Court, Bench at Nagpur vide Writ Petition No.5031/2021 along with connected W.Ps., decided on 25/1/2022. The said Writ Petition has been dismissed by the Hon'ble High Court, Bench at Nagpur.

Therefore, the order of this Tribunal dated 2/2/2021 attained the legal finality.

4. The learned P.O. submits that other similar Contempt Petitions are listed on Monday. The Id. P.O. submits that the present contempt application may be kept after two weeks for necessary compliance.

S.O. after two weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 05/2022 in O.A. 665/2019 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

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

2. Issue Notice to the respondents returnable **after 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. The learned P.O. waives notice for State. Hamdast granted.

S.O. four weeks as a last chance.

Member (J)

Vice-Chairman

dnk.

C.P. 02/2022 in O.A. 251/2017 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 04/03/2022.

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

2. Issue Notice to the respondents returnable **after 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. The learned P.O. waives notice for State. Hamdast granted.

S.O. four weeks as a last chance.

Member (J)

Vice-Chairman

dnk.
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