

O.A. 450/2014 (D.B.)

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

Dated : 07/03/2022.

C.A. 06/2019 -

Heard Shri A.Z. Jibhkate, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and none for R-4.

2. The learned counsel for the applicant has filed C.A.No.06/2019 for early hearing.

3. For the reasons stated in the application, the C.A. for early hearing is allowed and disposed off.

O.A. 450/2014 –

At the request of Id. counsel for the applicant, **S.O. 21/03/2022.**

Member (J)

dnk.

Vice-Chairman

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

C.A. 148/2019 in O.A. 661/2016 -

Heard Shri G.K. Bhusari, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and none for R-3.

2. The Id. counsel for the applicant has filed C.A. 148/2019 for amendment. However, Id. P.O. objected to that application and he desires one week time to take necessary instructions from the Department.

3. At the request of Id. P.O., **S.O. one week.**

Member (J)

Vice-Chairman

dnk.

O.A. 700/2016 (D.B.)

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

Dated : 07/03/2022.

C.A. 197/2019 -

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

2. For the reasons stated in the application, the C.A. for early hearing is allowed and disposed off.

O.A. 700/2016 –

The O.A. was filed in the year 2016. At the request of Id. counsel for the applicant, **S.O. 2nd week of April, 2022.**

Member (J)

Vice-Chairman

dnk.

O.A. 73/2017 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

C.A. 430/2021 -

Heard Shri A. Potnis, Id. counsel for the applicant, Shri H.K. pande, Id. P.O. for R-1 to 4 and Shri Sadavarte, Id .counsel appears on behalf of R-5.

2. The Id. counsel for the applicant has filed C.A. for amendment. Shri Sadavarte, Id. counsel submits that he has already filed Vakalatnama on behalf of R-5, but his name is not appeared in the daily board. The office is directed to take necessary steps.

3. At the request of Id. P.O., **S.O. after three weeks** for filing reply in amendment application.

Member (J)

Vice-Chairman

dnk.

O.A. 736/2018 (D.B.)

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

Dated : 07/03/2022.

Heard Smt. K.N. 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-1 to 3. It is taken on record. Copy is given to the learned counsel for the applicant.

3. The Id. counsel for the applicant wants to go through the same and requested for time to file rejoinder, if any. She is permitted to do so.

4. In the meantime, 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. 954/2018 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

C.A. 121/2019 In O.A. 954/2018 -

Heard Shri S.U. Nemade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The Id. counsel for the applicant has filed C.A. for amendment. The Id. CPO submits that he has already received copy of amendment application. He has requested for time to file reply in the amendment application.

3. The Id. CPO files reply of R-1 to 6 in O.A. It is taken on record. Copy is given to the applicant.

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

Member (J)

Vice-Chairman

dnk.

O.A. 52/2019 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1 to 3 and none for R-4.

2. The Id. P.O. files reply of R-3. It is taken on record. 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 R-1 to 3.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 948/2019 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

Heard Shri S.P. Palshikar, 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-2. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. counsel for the applicant wants to go through the same and seeks further time.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 205/2020 (D.B.)

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

Dated : 07/03/2022.

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

2. The Id. P.O. submits that reply of R-4 is already filed on record and it 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)

Vice-Chairman

dnk.

O.A. 245/2021 (D.B.)

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

Dated : 07/03/2022.

C.A.No. 71/2022 -

Heard Shri R.V. Shiralkar, learned counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for State and for respondent nos.1&2. Shri Rohit M. Sharma, Id. counsel appears on behalf of R-3 and submits that he has filed Vakalatnama.

2. The Id. counsel for the applicant has filed C.A. for speaking to minutes. After perusing the C.A., it appears that there is a typographical mistakes in the order dated 9/2/2022. Hence, the C.A. No. 71/2022 is allowed. The Registrar is directed to make necessary corrections in the order dated 9/2/2022 and corrected copy be supplied to the counsels for the parties and upload on site.

C.A. No. 88/2022 -

Heard Shri R.V. Shiralkar, learned counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for State and for respondent nos.1&2. Shri Rohit M. Sharma, Id. counsel appears on behalf of R-3.

2. The learned counsel for the applicant has filed C.A. for producing the relevant documents. The C.A. No.88/2022 is allowed and disposed off.

3. The respondent nos.1&2 are directed to produce true copies / certified copies of the documents mentioned in paragraph 2 of the present application before the next date of hearing.

4. The learned counsel for the applicant is also directed to supply all the relevant documents to the respondent no.3 who has filed Vakalatnama.

O.A. 245/2021 -

S.O. 28/03/2022.

Steno copy is granted...

Member (J)

Vice-Chairman

dnk.

O.A. 510/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

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

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

Meanwhile interim relief to continue till
next date.

Member (J)

Vice-Chairman

dnk.

O.A. 877/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicants, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri M.R. Chandurkar, Id. counsel for R-3.

At the request of Id. P.O. as well as Id. counsel for R-3, **S.O. four weeks** for filing reply.

Put up along with O.A. 879/2021.

Member (J)

Vice-Chairman

dnk.

O.A. 879/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicants, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri M.R. Chandurkar, Id. counsel for R-3.

At the request of Id. P.O. as well as Id. counsel for R-3, **S.O. four weeks** for filing reply.

Put up along with O.A. 877/2021.

Member (J)

Vice-Chairman

dnk.

O.A. 1131/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

Heard Shri S.U. Nemade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and none for R-5.

The applicant to remove office objections.

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

Member (J)

Vice-Chairman

dnk.

O.A. 89/2022 (D.B.)

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

Dated : 07/03/2022.

Heard Shri G.R. Sadar, Id. counsel holding for Shri V.A. Kothale, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for respondent no.1. Await service of R-2 to 4.

2. The Id. counsel for the applicant submits that he will file service affidavit during the course of day.

3. After filing service affidavit the Id. P.O. to file reply **within two weeks.**

Interim relief to continue till next date.

Member (J)

Vice-Chairman

dnk.

O.A. 109/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

Heard Shri A.B. Mirza, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for respondent no.1. Await service of R-2&3.

2. The learned P.O. has filed letter dated 2/3/2022 issued by the Additional Settlement Commissioner & Additional Director, Lands Records (M.S.), Pune. It is taken on record and marked Exh-X for identification. The relevant para-6&7 of the said letter is reproduced as below –

^ mijDr i=kl korps ifjf'k" B 10 igjo.kh fuoMI pphel; s
eG vtZdekd 109@2022 e/khy vtZkj Jh- 'ks'kjo
nojko dskkVs o Jh- fnyhi iMfyd oku [kks ; kps uko
I ekfo"V gkr vkgs 'kkl ukdMu mijDr igjo.kh fuoMI pphl
ekU; rk feG.kurj 'kkl u vf/kl puk fnukd 14@7@2021
e/khy rjrnhuu kj vtZkj ; kps i nklurhpsvuqk kus i q-hy
dk; Zkgh dj .kr ; bZy-

rl p mi l pkyd Hkrie vfhky [k vejkorh i nsk vejkorh
; kps Mhy f' k{kk vkns k dekd vkLFk 2@ fo-plsvk-@oS Jh-
I ks ke@ dkfo 78@2020 fnukd 31@3@2021 vUo; s
mijDr eG vtZdekd 109@2022 e/khy vtZkj Jh-
ccu Jhfuokl I ks ke ; kkk egkj k"V^a utxjh I ok %f' kLr o

vi hy½ fu; e 1979 e/ky fu; e 5 ¼1½ e/ky ¼pkj½
ud kj rhu oruok<h i qhy oru ok<hoj ifj.kke d#u
dk; e Lo#i h jks[k.; kph f'k{k ctko.kr vkysy vkgs I nj
f'k{k vkns kph veyctko.kh fnukad 30@6@2024 jksth
I á .kkj vkgs **

3. According to this, the names of applicant and one other in O.A. 109/2022 have been included in the supplementary list. Further paragraph it is mentioned about letter of respondent no.3, where it has been mentioned that the applicant in O.A.109/2022 is facing departmental inquiry which will be continued till 30/6/2024. Till the DPC meeting, the matter cannot be decided. The Id. P.O. is not sure about date of DPC meeting.

S.O. after three weeks.

Interim relief to continue till next date.

Member (J)

Vice-Chairman

dnk.

O.A. 731/2020 (D.B.)

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

Dated : 07/03/2022.

Heard the applicant in person and Shri S.A. Sainis, Id. P.O. for R-1 to 3 and none for R-4.

2. The Id. P.O. has pointed out letter dated 6/1/2021 and submits that according to provisions of that order, the applicant is not entitled for second time bound promotion. However, the applicant submits that this letter is not supplied to him.

3. The Id. P.O. is directed to supply the said letter to the applicant.

S.O. after two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 237/2022 (D.B.)

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

Dated : 07/03/2022.

Heard Shri R. Fating, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State..

2. The matter pertains to the first ACP of the applicant and it is listed for the first time.

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 850/2018 (D.B.)

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

Dated : 07/03/2022.

Heard Shri S.V. Sirpurkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri A.S. Ambatkar, Id. counsel for R-3.

2. The Id. P.O. has filed letter dated 18/1/2022 issued by the Director (Administration), Employees State Insurance Scheme, Mumbai (marked as Exh-X at page no.87). By this letter, it is clear that Shri Mane and Shri Badgujar were selected for the posts of Dietician. Shri Mane did not join and Shri Badgujar joined, but resigned. As per the para 2 of the letter dated 18/1/2022, two posts of OBC category and 1 post of Open category are still vacant.

3. The applicant is from OBC category and respondent no.3 is from Open category. Now there is no hurdle to appoint both the candidates in their respective categories.

4. In view of above, the respondent nos.1&2 are directed to appoint the applicant and respondent no.3 in their respective

categories, as per the rules within two weeks from the date of receipt of this order.

5. With this direction, the O.A. is disposed off. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 637/2014 (D.B.)

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

Dated : 07/03/2022.

None for the applicant. Heard Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and none for R-4.

2. The Id. P.O. files reply of R-1 to 3. It is taken on record.

3. The Id. P.O. submits that the applicant has been promoted on the post of Superintendent. However, he has not filed promotion order. He is directed to file the said document. The only grievance remains about deemed date of promotion and that will be decided at the time of final hearing.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 107/2015 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

Heard Shri S.V. Sirpurkar, 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. one
week.**

Member (J)

Vice-Chairman

dnk.

O.A. 25/2020 (D.B.)

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

Dated : 07/03/2022.

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

2. The respondent nos.1&2 have filed reply on 11/12/2020 (P-52 to 62) and in para-7 of the reply it is mentioned that DPC was held on 13/8/2019. Now more than two years have been lapsed. The guidelines of G.R. dated 15/12/2017 requires to be followed.

3. The Id. P.O. submits that two weeks time is required to take necessary instructions from the Department. At his request, **S.O. 22/3/2022.**

Steno copy is granted...

Member (J)

Vice-Chairman

dnk.

O.A. 148/2020 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

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

2. The Id. counsel for the applicant has filed copy of Judgment of Hon'ble Supreme Court in case of **Saurav Yadav & Ors./2021) 4 SCC,542**. It is taken on record.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 1085/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 07/03/2022.

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

2. The Id. counsel for the applicant submits that today the matter is wrongly listed on board as it is already fixed on 4/4/2022.

3. In view of this, the matter be kept on **board on 4/4/2022.**

Member (J)

Vice-Chairman

dnk.

(S.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman.

Dated : 07/03/2022.

Rev. A.10/2021 in O.A. 414/2018 with
Rev. A.11/2021 in O.A. 415/2018 with Rev.
A.12/2021 in O.A. 416/2018 with Rev.
A.13/2021 in O.A. 417/2018

Heard Shri S.D. Malke, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. and other Id. P.Os. for respondent nos.1&2 and none for R-3.

The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the applicants. The Id. counsel for the applicants wants to go through the same.

S.O. 17/3/2022.

Put up along with Rev. A. 14/2021 in O.A. 629/2018.

Vice-Chairman

dnk.

(S.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 07/03/2022.

Rev. A.14/2021 in O.A. 629/2018

Heard Shri S.D. Malke, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. and other Id. P.Os. for respondent nos.1&2 and none for R-3.

At the request of Id. P.O., S.O. **S.O. 17/3/2022** for filing reply.

Put up along with other connected matters.

Vice-Chairman

dnk.

Rev. A. 15/2021 in O.A. 818/2017 (S.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 07/03/2022.

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

2. The Id. counsel for the applicant has filed Pursis along with copy of this order dated 18/1/2022 in the Rev. A. 15/2021 in 818/2017. It is taken on record and marked Exh-X for identification.

3. The learned counsel for the applicant has pointed out that in order dated 18/1/2022, 14 O.As. are mentioned for Review Applications. However, learned counsel in para-2 of the said order pointed out that there was only one Review Application in O.A. 818/2017 was filed. Her contention is accepted and Review Application be listed only related to the order in O.A.No. 818/2017.

4. The learned counsel for the applicant has further submits that she has already filed relevant documents and she is not interested to file any further documents related to the order in O.A. 818/2017.

5. The Id. P.O. submits that there is no need to file reply in the present application. Hence, it is clear that pleadings from both the sides are complete.

6. With the consent of learned counsel for both the sides, now Review Application only related to the order of O.A. 818/2017 will be heard on the next date.

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

S.O. 25/03/2022 after Division Bench.

Vice-Chairman

dnk.

Rev. A. 16/2021 in O.A. 126/2017 (S.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 07/03/2022.

None for the applicnat. Heard Shri V.A.
Kulkarni, Id. P.O. for R-1 and none for R-2&3.

S.O. four weeks.

Vice-Chairman

dnk.

Rev. A. 04/2021 in O.A. 351/2019 (S.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman.

Dated : 07/03/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O .for the respondents.

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

Vice-Chairman

dnk.

O.A. 245/2022 (D.B.)

(Dr. Sunil N. Washimkar Vs. State of Mah. & Ors.)

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

Dated : 07/03/2022.

Heard Shri Rohit Joshi, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for State.

2. The main issue is that the Id. counsel for the applicant pointed out at page no.58 the candidates against whom remarks as 'not eligible' are mentioned. However, in case of applicant at page no.57 against the name of applicant, the remarks for 'not eligible' are not mentioned.

3. Today, the CPO produced documents. Same are taken on record and marked Exh-X for identification. Today copy is supplied to the applicant. According to these documents, Expert Committee has decided the candidature of the applicant and because of not producing of publication the applicant's name has not been taken into consideration for eligible category.

4. The Id. CPO submits that the said documents have already been sent to the applicant by e-mail. The Id. counsel for the applicant however contended that the applicant has not received the e-mail. After perusing the documents, since the applicant is not found eligible, the O.A. is dismissed. No order as to costs.

Member (J)

Vice-Chairman

dnk*