

O.A. No. 647/2019 (D.B.)

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

Dated : 08/04/2022.

Heard Aparna Telang, Id. counsel holding for Shri A.P. Tathod, Id .counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri R.M. Fating, Id .counsel for R-4.

2. Aparna Telang, Id. counsel submits that her senior Advocate is not available today, therefore, she seeks further time. Time is granted.

3. It is made clear that on the next date, the matter will not be adjourned. If adjourned, interim relief will be vacated.

S.O. 13/4/2022.

Member (J)

Vice-Chairman

dnk.

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

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

Dated : 08/04/2022.

Heard Shri B. Kulkarni ,ld. .counsel for
the applicants and Shri H.K. Pande, ld. P.O. for
the respondents.

At the request of ld. P.O., **S.O.**
12/4/2022.

Member (J)

Vice-Chairman

dnk.

(D.B.)

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

Dated : 08/04/2022.

C.A. 100/2018 in O.A. 780/2017 -

None for the applicant. Shri S.A.
Sainis, Id. P.O. for R-1. None for R-2.

S.O. After Vacation.

Member (J)

Vice-Chairman

dnk.

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

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

Dated : 08/04/2022.

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

2. The Id. P.O. submits that he will file reply during the course of day.
3. At his request, **S.O. one week** for filing reply.
4. In the meantime, the applicant is at liberty to file rejoinder.

Member (J)

Vice-Chairman

dnk.

O.A. No. 333/2021 (D.B.)

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

Dated : 08/04/2022.

Heard Shri B. Kulkarni, Id. counsel for the applicant 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)

Vice-Chairman

dnk.

O.A. No. 512/2021 (D.B.)

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

Dated : 08/04/2022.

Heard Shri M.R. Patil, 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. Id. P.O. submits that said reply 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. last week of April, 2022.

Member (J)

Vice-Chairman

dnk.

O.A. No. 916/2021 (D.B.)

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

Dated : 08/04/2022.

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

2. In order dated 20/10/2021 in para-3 following direction was given –

“ (3) However, as pointed out by Id. counsel for the applicant, the applicant retired on 30/6/2021, even provisional pension has not been started to the applicant. This will put applicant in hardship position. Hence, respondents are directed to process the paper atleast for provisional pension as early as possible.”

3. However, learned counsel for the applicants submitted that till now the provisional pensions has not been started. The learned P.O. desires one week time to take instructions from the respondents. The respondents also to take steps in this regard as early as possible.

S.O. one week.

Member (J)

Vice-Chairman

dnk.

(D.B.)

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

Dated : 08/04/2022.

C.A. 134/2022 in O.A. 11/2022 -

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4 to 6.

2. The Id. P.O. files reply of R-3 in O.A. It is taken on record. Copy is given to the applicant. The Id. counsel wants to go through the same.

3. The matter will be heard finally on the next date.

S.O. 12/4/2022.

Member (J)

Vice-Chairman

dnk.

O.A. No. 1157/2021 (D.B.)

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

Dated : 08/04/2022.

Heard Shri P.S. Patil, 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.

Member (J)

Vice-Chairman

dnk.

O.A. No. 91/2022 (D.B.)

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

Dated : 08/04/2022.

MCA 11/2022 -

Heard Shri A.M. Ghogre, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Org. applicant).

2. The Id. P.O .has filed MCA for extension of three months further time to comply the order dated 3/2/2022.

3. Since sufficient time has already been granted, only one month time is granted to comply the order dated 3/2/2022.

4. In view of above, MCA stands disposed off. No order as to costs.

Steno copy is granted...

Member (J)

Vice-Chairman

dnk.

O.A. No. 161/2022 (D.B.)

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

Dated : 08/04/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. No. 448/2019 (D.B.)

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

Dated : 08/04/2022.

C.A. 133/2022 -

Heard Shri Potnis, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. for early hearing. For the reasons stated in the application, the C.A. for early hearing is allowed and disposed off.

O.A. No. 448/2019

S.O. 1st week of June, 2022.

Member (J)

Vice-Chairman

dnk.

O.A. No. 1121/2021 (D.B.)

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

Dated : 08/04/2022.

Heard Shri S.M. Khan, Id. counsel for the applicant and 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 matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

4. During final hearing Id. P.O. to take instructions regarding latest position of issue related to the matter.

S.O. After Vacation.

Member (J)

Vice-Chairman

dnk.

C.P. 43/2021 in O.A. No. 475/2019 (D.B.)

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

Dated : 08/04/2022.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

2. The order was passed on 12/2/2020 and as per submission of Id. counsel for the applicant the order has been complied with and grievance of the applicant has been redressed.

3. In view of above, Contempt Petition stands disposed off. No order as to costs.

4. After perusing the record, it appears that the Id. counsel has not filed complete and proper document. He should take precaution in future while filing documents.

Member (J)

Vice-Chairman

dnk.

O.A. No. 159/2013 (D.B.)

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

Dated : 08/04/2022.

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

The Id. P.O. submits that he will file affidavit on the next date. At his request, **S.O. 13/4/2022.**

Member (J)

Vice-Chairman

dnk.

O.A. No. 526/2018 (D.B.)

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

Dated : 08/04/2022.

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

The Id. P.O. submits that he got additional affidavit from respondent no.2 and applicant. He desires time to take instructions from the department. At his request, **S.O. two weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. No. 91/2019 (D.B.)

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

Dated : 08/04/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. No. 219/2019 (D.B.)

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

Dated : 08/04/2022.

Heard Shri B.G. Kulkarni, Id. counsel for
the applicants and Shri A.M. Ghogre, Id. P.O. for
the respondents.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. No. 161/2022 (D.B.)

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

Dated : 08/04/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. No. 993/2019 (D.B.)

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

Dated : 08/04/2022.

Heard Shri N.V. Fulzele, Id. counsel for
the applicants and Shri H.K. Pande, Id. P.O. for
the respondents.

At the request of Id. counsel, **S.O.**
19/4/2022.

Member (J)

Vice-Chairman

dnk.

O.A. No. 926/2019 (D.B.)

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

Dated : 08/04/2022.

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

Closed for orders.

Member (J)

Vice-Chairman

dnk.

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

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

Dated : 08/04/2022.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent nos. 1&2 and Shri B. Kulkarni, Id. counsel for respondent nos.3&4.

2. In O.A. 387/2016, the order was passed by M.A.T., Bench at Aurganbad on 9/3/2016. The operative part of order at page no.30 which is reproduced as below –

“ (a) O.A. is partly allowed.

(b) The respondents are directed to reconsider the applicant's seniority as per revised (corrected) list of 25/9/2015 and decide his eligibility for promotion as per as per DPC of 20/12/2012 and the circular dated 22/4/1996.

(c) If the applicant is found 'fit' for promotion he will be granted promotion to Jailor Group-I with the deemed date of his immediate junior as per the seniority of 25/9/2015 who is promoted as Jailor Group-I.

(d) The respondents will take action as per above within a period of 10 weeks from receipt of this order.”

3. The learned P.O. is directed to file following documents on record –

(i) compliance documents of this order .

(ii) after applicant became Jailor Group-I what punishment was awarded ?

4. As submitted by Id. P.O., DPC has taken place in 2019. He feels that punishment period was over in 2018. If punishment period was over in 2018, the respondents are bound to consider the applicant for promotion in 2019 DPC. The learned P.O. should file punishment order on record.

S.O. 25/4/2022 (PH).

Steno copy is granted...

Member (J)

Vice-Chairman

dnk.*

O.A.No.477/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. **S.O. after summer vacation.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.961/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri V.Kulsange, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. two weeks for filing reply.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.271/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Smt. K.N.Saboo, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondents and Shri S.Y.Deopujari, the Id. counsel for the intervenor.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copies are 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. 22.04.2022.**

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

Member (J)

Date:-08/04/2022.
aps.

O.A.No.381/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

C.A.No.223/2021:-

Shri P.D.Meghe, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. By consent matter is kept for final hearing.

3. **S.O. 21.04.2022.**

Member (J)

Date:-08/04/2022.
aps.

O.A.Nos.195&196/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. **S.O. after summer vacation.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.392/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. **S.O. after summer vacation.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.852/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. Reply filed by respondent nos. 2 & 3. It is
taken on record. He further submits that he will
serve it to the other side.

3. Hence, matter is **admitted** and kept for final
hearing.

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

5. **S.O. two weeks.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.1006/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. four weeks to file reply as a last chance.**

Member (J)

Date:-08/04/2022.

aps.

O.A.No.1037/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.126/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Smt. Thengre, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.139/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent no. 3.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A.

3. Hence, O.A. is **admitted** heard finally.

4. The Id. P.O. waives notices for the respondent nos. 1 & 2.

5. **Closed for orders.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.160/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Hamdast not collected by R-2 & 3.

2. Shri Gaikwad states that the matter be kept on 12.04.2022 and on that day he will file his vakalatnama.

3. **S.O. 12.04.2022.**

Date:-08/04/2022.
aps.

Member (J)

O.A.No.248/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri G.G.Bade, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. two weeks for filing reply.**

Member (J)

Date:-08/04/2022.

aps.

O.A.No.274/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri R.Waghmare holding for Shri N.B.Rathod, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of R-2 to 4.

2. Today Id. P.O. has sought time to file reply. On the previous date submission made by the Id. P.O. that the impugned order shall not be acted upon till returnable date i.e. today was accepted. In view of said submission interim order was not passed. The submission is made that earlier submission regarding not acting upon the impugned order be extended till filing of the reply. Said submission is accepted. The Id. counsel for the applicant states that he will file service affidavit today.

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

Member (J)

Date:-08/04/2022.
aps.

O.A.No.236/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

C.A.No.132/2022:-

Shri P.S.Patil, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. **C.A.No.132/2022 for Jt. O.A. is allowed.**

O.A.No.236/2022:-

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

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

3. 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.

4. 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.

5. 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.

6. 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.

7. **S.O. four weeks.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.590/2018 with 591/2018 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. By consent of both the counsels, matter is **admitted** and kept for final hearing.

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

4. **S.O. two weeks.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.336/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri M.K.Thakkar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

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

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

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

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

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

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

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

Member (J)

Date:-08/04/2022.

aps.

O.A.No.389/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri A.Deshmukh, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

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

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

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

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

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

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

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

Member (J)

Date:-08/04/2022.

aps.

O.A.No.725/2016 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. Ld. counsel for the applicant states that his appeal is decided and he will take instruction whether the applicant desires to make an application for amendment in this application or withdraw the application and filed new application.

3. **S.O. 28.04.2022.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.790/2017 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Shri P.D.Meghe, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 11.04.2022.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.717/17withC.A.Nos.64&65/2018(S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Heard Ms. M.P.Munshi, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. Application for condonation of delay is allowed and matter is heard finally by consent.

3. **Closed for orders.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.718/2017 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Heard Ms. M.P.Munshi, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant submits that grievances of the applicant is redressed and she desires to withdraw the matter unconditionally.
Application is disposed of as withdrawn with no order as to costs.

Member (J)

Date:-08/04/2022.
aps.

O.A.No.581/2019withC.A.No.150/2021(S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Heard Shri N.W.Almelkar, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant states that he will file the application seeking redressal for order dated 24.06.2020.

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

4. **Matter is treated as P.H.**

Date:-08/04/2022.
aps.

Member (J)

O.A.No.625/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Heard Smt. K.N.Saboo, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondents and Shri A.S.Ambatkar, the Id. counsel for the respondent no. 4.

2. Rejoinder is filed by the applicant is taken on record. Copies are served to the other side.

3. **S.O. 18.04.2022.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.815/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

Heard Ms. B.V.Reddy, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. On oral request of Id. P.O., S.O. **18.04.2022.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.957/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. Ld. P.O. states that he has to go through the Rejoinder. He seeks time to argue the matter finally, S.O. **12.04.2022.**

Date:-08/04/2022.
aps.

Member (J)

O.A.No.66/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated :08/04/ 2022.

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

2. **Closed for orders.**

Member (J)

Date:-08/04/2022.
aps.

O.A.No.1052/2019 (S.B.)

(N.M.Chikhate & 2 Ors. Vs. State of Mah. & 4 Ors.)

Coram:Shri M.A.Lovekar, Member (J)

Dated :08/04/ 2022.

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

2. Civil Services Board had recommended transfer of all three applicants on 26.05.2019. The Board had in all made 12 recommendations for transfer. By order dated 31.05.2019 (A-6) nine transfers were effected and all three applicants were not considered for transfer. A request was made to respondent no. 3 to stay the recommendation of transfer as made by the Board to the extent of present applicants.

3. At A-R-1 there is a communication dated 23.05.2019 made by respondent no. 3 that the cases of the applicants could not be considered for transfer because they had not completed training of "Insect Collector".

4. Today Id. counsel for the applicants has placed on record certificates issued by the Research and Training Centre, Nagpur showing that all three applicants have successfully undergone the training as "I.C.". Thus, it is apparent that the reason for not considering transfer of the applicants pursuant to recommendation of the Board was factually incorrect.

5. On behalf of the applicants statement is made that the places for transfer of the applicants as recommended by the Board are still vacant. A statement is also made on behalf of the applicants that no specific order staying recommendation of the Board for transfer of the applicants has been passed till date.

6. Considering all these facts the matter can be disposed of by directing the respondents to act upon recommendation of Civil Services Board dated 26.05.2019 in respect of all three applicants within stipulated time frame. Hence the order:-

ORDER

Application is allowed in the following terms:-

A. The respondents shall act upon the recommendation of the Civil Services Board dated 26.05.2019 and pass orders in respect of all three applicants **within two weeks** from the date of receipt of this order.

B. No order as to costs.

Member (J)

Date:-08/04/2022.
aps.

O.A.No.394/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar, Member (J)**

Dated : 08/04/ 2022.

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

2. As pointed out by Id. counsel for the applicant, advertisement was issued by M.P.S.C. on 17.09.2021 and the applicant was primarily working as Associate Professor (General Medicine) and by this advertisement he has applied for Professor (General Medicine) post. As per advertisement on page no. 47 column no. 3.3.1 in experience column following criteria was given :-

"Experience:- Associate Professor in the subject for 3 years in a permitted/ Approved/recognised medical college/ institution with three Research publications (atleast two as Associate Professor) (only original papers, meta-analysis, systematic reviews, and case series that are published in journals included in Medicine, Pubmed Central, Citation index, Sciences Citation index, Expanded)"

3. As submission made by the Id. counsel for the applicant 26 candidates were appointed and after scrutiny 7 were rejected due to other reason. So, 19 candidates were left for the post from Associate Professor to Professor in Medicine only. Out of the said 19 candidates, applicant is candidate for one post earmarked for General Open. According to the M.P.S.C. Rules, which is filed on record from A-4, Pg. Nos. 53 to 62 and relevant portion is on page no. 57, para no. 9 which is reproduced below:-

"9. Direct Recruitment:-(i) The number of candidates to be shortlisted for the interview shall be as follows:-

<i>No. of Posts advertised</i>	<i>No. of candidates to be called for Interview</i>
<i>1</i>	<i>5</i>
<i>2</i>	<i>8</i>
<i>3 and more</i>	<i>3 times</i>

However, in cases of isolated posts at the State level i.e. Directors of field department etc. which are equivalent to the grade of Joint Secretary in Mantralaya or above, the Commission may decide from time to time, the number of candidates to be called for the interview. The number of candidates to be shortlisted for interview shall not exceed 10 times the number of such vacancies, in any case."

4. So initial experience criteria was three years for this post. However, subsequently it was increased by this order dated 14.03.2022 (Page No. 74) and according to this on page no. 76 after the table in General Medicine experience criteria has been increased to 14 years and 11 months from 3 years. However, it was pointed out on page no. 81 date is given 21.03.2022 and on page no. 82 in experience column it is written 15 years and 7 months. So on three stages experience criteria has been changed first three years then 14 years and 11 months on 14.03.2021 and then 15 years and 7 months on 21.03.2021. On page no. 11 of the O.A., the Id. counsel for the applicant has placed the table which is reproduced below:-

Actual experience	14 years 11 months and 22 days
Required as per advertisement	3 years
Required as per revised criteria, dated 14.03.2021	14 years, 11 months
Required as per revised criteria, dated 21.03.2021	15 years and 7 months

5. The Id. counsel for the applicant also pointed out that in the M.P.S.C. Rule there is a provision that if number of candidates is large then screening and it may be conducted as pointed out by Id. counsel for the applicant in M.P.S.C. Rule at page no. 58 (vi) (pg no. 58) which is reproduced below:-

"(vi) If the response to the advertisement is so large that application of such a criteria to shortlist candidates for Interview is not possible the Commission may decide to hold a screening test. Based on the merit of the

performance in such a test the candidates will be shortlisted, the proportion being the same as mentioned in Rule 9 (i) above"

6. The Id. counsel for the applicant further pointed out that Interview to this post was held on 22.03.2022 and before one day experience criteria was increased. Extending the experience criteria one day before Interview appears to be illogical. In view of this situation, **Respondent no. 3 i.e. M.P.S.C. is directed to arrange the Interview for the applicant within fifteen days from the date of receipt of this order and keep result of all the candidates in sealed cover till the outcome of the O.A.** Meanwhile, if M.P.S.C. is in hurry, Id. P.O. may circulate the matter.

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

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. four weeks.**

14. **Steno copy is granted.**

15. **To be tagged with O.A. No. 369/2022.**

Member(J)

Date:-08/04/2022.

Vice Chairman