

O.A. 727/2021 (D.B.)

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

Dated : 18/01/2022.

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

2. As the matter was fixed today, it is not listed on today's board. Therefore, it is taken on today's board today.

3. The interim relief granted on 3/9/2021 is continued till next date of hearing.

S.O. 3/2/2022.

Member (J)

Vice-Chairman

dnk.

O.A. 296/2018 (D.B.)

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

Dated : 18/01/2022.

Heard Shri A.P. Tathod, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 5.

2. The learned counsel for the applicant submits that he has not received service affidavit of R-2 to 5 and therefore he requested to issue fresh notice.

3. At the request of Id. counsel for the applicant, issue fresh notice to R-2 to 5, returnable **after four weeks**. 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.

(D.B.)

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

Dated : 18/01/2022.

C.A. 373/2021 in O.A. 700/2020 -

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

2. The learned P.O. files reply of R-3&4 in O.A. It is taken on record and copy is given to the Id. counsel for the applicant. The Id. P.O. submits that reply of R-3&4 is sufficient for C.A. also.

3. The Id. counsel wants to go through the same. At his request, **S.O. 10/2/2022** for final hearing.

Member (J)

Vice-Chairman

dnk.

O.A. 388/2021 (D.B.)

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

Dated : 18/01/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant 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. 515/2021 (D.B.)

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

Dated : 18/01/2022.

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 other side.
3. The Id. P.O. desires two weeks time to file reply of R-2. Time is granted.
4. In the meanwhile, Id. counsel for the applicant to file rejoinder, if any.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 1073/2021 (D.B.)

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

Dated : 18/01/2022.

Heard Shri Bharat Kulkarni, Id. counsel
for the applicant and Shri S.A. Deo, Id. C.P.O.
for the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 11/2022 (D.B.)

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

Dated : 18/01/2022.

C.A. 03/2022 -

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. For the reasons stated in the application, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. 11/2022 -

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

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

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. after two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 52/2022 (D.B.)

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

Dated : 18/01/2022.

C.A. 16/2022 -

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. For the reasons stated in the application, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. 11/2022 -

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant has pointed out the G.R. dated 28/12/2017 (A-3,P-17) and in para-5 it was decided that there will be amendment in the Recruitment Rules of the applicants. However, said amendment has not been done till now even after lapsed of four years. Meanwhile, the respondents have also started process of promotions. The applicants have submitted various representations to amend the Recruitment Rules as promised by the respondents in the G.R. dated 28/12/2017.

3. The respondents are directed to decide the representations of the applicants within three months from the date of receipt of this order and take appropriate action.

4. With this direction, the O.A. stands disposed off. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 189/2010 (D.B.)

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

Dated : 18/01/2022.

Heard D.R. Bhoyar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1,2&4 and Shri Bharat Kulkarni, Id. counsel for R-3.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 75/2020 (D.B.)

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

Dated : 18/01/2022.

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

The Id. counsel for the applicants has filed copies of two Judgments of Hon'ble High Court. Same are taken on record and marked Exh-X and X1 for identification.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 523/2021 (D.B.)

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

Dated : 18/01/2022.

C.A. 17/2022 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for respective respondents and Shri S.P. Palshikar, Id. counsel for R-15 to 20 (Intervener).

2. The Id. counsel for the applicant submits that some persons have been promoted in their quota by order dated 29/12/2021 (A-9,P-11) of C.A. and for that the Id. counsel for the applicant desires to challenge promotion order and filed C.A.No. 17/2022 for amendment.

3. In view of above, the C.A. No.17/2022 for amendment is allowed and disposed off. The necessary amendment be carried out within one week and supply amended copy to the Id. P.O.

O.A. 523/2021 -

S.O. three weeks for filing reply.

Put up the O.A. along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 524/2021 (D.B.)

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

Dated : 18/01/2022.

C.A. 18/2022 -

Heard Shri R.V. Shiralkar, Id. counsel holding for Shri V. Dongre, Id. counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for respective respondents.

2. The Id. counsel for the applicant submits that some persons have been promoted in their quota by order dated 29/12/2021 (A-9,P-11) of C.A. and for that the Id. counsel for the applicant desires to challenge promotion order and filed C.A.No. 18/2022 for amendment.

3. In view of above, the C.A. No.18/2022 for amendment is allowed and disposed off. The necessary amendment be carried out within one week and supply amended copy to the Id. P.O.

O.A. 524/2021 -

S.O. three weeks for filing reply.

Put up the O.A. along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 525/2021 (D.B.)

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

Dated : 18/01/2022.

C.A. 19/2022 -

Heard Shri R.V. Shiralkar, Id. counsel holding for Shri V. Dongre, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for respective respondents.

2. The Id. counsel for the applicant submits that some persons have been promoted in their quota by order dated 29/12/2021 (A-9,P-11) of C.A. and for that the Id. counsel for the applicant desires to challenge promotion order and filed C.A.No. 19/2022 for amendment.

3. In view of above, the C.A. No.19/2022 for amendment is allowed and disposed off. The necessary amendment be carried out within one week and supply amended copy to the Id. P.O.

O.A. 525/2021 -

S.O. three weeks for filing reply.

Put up the O.A. along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 1032/2021 (D.B.)

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

Dated : 18/01/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 50/2022 (D.B.)

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

Dated : 18/01/2022.

Heard the applicant in person and Shri S.A. Deo, Id. CPO for the State.

2. The applicant submits that the relevant order has been decided by this Tribunal which is taken on record.

3. In the meantime, 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.

C.P. 19/2021 in O.A. 324/2020 (D.B.)

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

Dated : 18/01/2022.

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

2. The Id. counsel has filed correspondence dated 29/12/2021 issued by the Desk Officer, Irrigation Department, Govt. of Maharashtra to the Government Pleader, High Court, Bench at Nagpur. It is taken on record and marked Exh-X for identification. The relevant para-3 in the said correspondence is reproduced as below –

“ ek-mPp U; k; ky; kusojh y fu.kz kl LFfxrh fnyh ukgh rj i yfcr fjV ; kfpde/; seWP; k U; k; fu.kz kuq kj ns gkskkjh jDde ek- mPp U; k; ky; kr tek dj.; kl ijokuxh ekx.kkjh fourh d#u l njgwns jDde U; k; ky; kr tek d#u l cf/krkus security now l njgw jDde dk<u ?skckr funz k ns; kph fourh ek- mPp U; k; ky; kl dj.; kr ; koh-**

3. In view of above, the matter **be kept after 15/02/2022.**

Member (J)

Vice-Chairman

dnk.

C.P. 33/2020 in O.A. 845/2018 (D.B.)

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

Dated : 18/01/2022.

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

2. The Id. counsel for the applicant has filed pursis dated 18/1/2022 and he has pointed out that he has received amount as per the Tribunal's order. However, there is some difference and for that he has submitted detailed Chart at page no.30. Copy of the same is supplied to the Id. P.O.

3. The Id. P.O. is directed to submit the said Chart before the concerned Officer and after examining the Chart file reply on the next date.

S.O. four weeks.

Member (J)

Vice-Chairman

dnk.

O.As. 611/2017 & 721/2018 (D.B.)

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

Dated : 18/01/2022.

Heard Shri S.S. Nemade, Id. counsel holding for Shri S.U. Nemade, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. three 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 : 18/01/2022.

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

2. The Id. P.O. submits that he has received message on telephone from the Id. counsel for the applicant. The Id. counsel for the applicant wants further two weeks time. Time is granted.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 616/2015 (D.B.)

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

Dated : 18/01/2022.

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

2. The matter was heard on 18/01/2021, it was observed that the Id. counsel has filed C.A.No. 09/2021 for extension of time to carry out the amendment and which was allowed.

3. The Id. P.O. submits that he desires three weeks time to file reply on amended portion of the O.A.

4. The Id. counsel further submits that he wants to correct the designation as **Secretary of MPSC** instead of Chairman of MPSC in the array of respondent no.2. He is permitted to do so.

S.O. after three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 211/2021 (D.B.)

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

Dated : 18/01/2022.

Heard the applicant in person and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. P.O. submits that allegation is that the applicant was removed from service without conducting the D.E. He desires to call the record of D.E. and examine it.

3. The Id. P.O. as well as the applicant are directed to examine the said record in the Chamber of Deputy Registrar and submit necessary information before the next date.

The matter be kept **after three weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 216/2020 (D.B.)

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

Dated : 18/01/2022.

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

S.O. Next week.

Member (J)

Vice-Chairman

dnk.

C.P. 38/2019 in O.A. 434/2015 (D.B.)

(Smt. N.D. Adhau Vs. State of Maharashtra & Ors.)

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

Dated : 18/01/2022.

ORDER

C.A. 66/2021 in C.P. 38/2019 in O.A. 434/2015-

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. As pointed out by the Id. counsel for the applicant, the applicant no.1 Shri Devendra G. Adhau expired and other applicants are filing the present O.A. for their grievances. It is submitted that the applicant no.2, i.e., Ananda S/o Omkarrao Wathodkar has given notice dated 15/1/2022 for self-immolation on 26/01/2022. It is taken on record and marked Exh-X for identification.
3. This Tribunal had passed the order and directed the respondents to decide the matter as per the proposal submitted by the respondent no.2 vide letter dated 11/11/2020 at page no.9 of C.A. and has recommended for sanction and disposal.
4. In the order dated 26/2/2021, the following direction was given to the respondents. The relevant para nos.2&3 of the said order are reproduced as below –

“2. Today, the learned P.O. has filed letter dated 25/2/2021 which is marked “X” for the purpose of identification. In the said letter, in last para following submission has been made –

^ rjh I nj i dj.kh ek- egkjk"V" iz kkl dh; U; k; kf/kdj.k] [kMi hB utxi ij ; kwh eG vtldz434@2015 e/; sfnuad 7@3@2019 jksth fnyy; k fu.kz kph veyctko.kh gskckcr vko'; d dk; bkg h I # v l u ; kckcr ek- U; k; kf/kdj.k ; kwh voeku ; kfpdk dkd 38@2019 in O.A.434/2015 i dj.kh oLrflFkrh voxr dj.k.ks dfjrk ekfgrh o vko'; d dk; bkg hLro I fou; I knj-**

3. It appears that the compliance order is in process, however, there is much delay on the part of the respondents. In view of the delay, the respondents are directed to do all the formalities in

complying the order of this Tribunal within 30 days from the date of this order. They must depute some responsible person to follow the file and communicate the report to the counsel for applicant and also to file on record before this Tribunal through the Id. P.O., failing which for compliance of the said order, some responsible officer should be deputed on the next date of hearing to explain the reason of delay.”

5. In view of this situation, the respondent no.1 is directed to decide the proposal submitted by the respondent no.2 as per letter dated 11/11/2020 at page no.9 of C.A. and as per the order of this Tribunal dated 26/02/2021 **before 1/2/2022**, otherwise, the respondent no.1 should personally appear before this Tribunal on the next date and explain why the proposal has not been decided and also the order of this Tribunal has not been complied.

S.O. 01/02/2022.

Steno copy is granted...

Member (J)

**dnk...

Vice-Chairman

O.A. No. 1088 /2021

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

Dated : 18th January 2022.

1. Heard Shri Sunil Pande, Ld. counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondents.
2. On oral request of Ld. CPO, S.O. **four weeks** for filing reply.

Member (J)

pdg

O.A. No. 1119 /2021

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

Dated : 18th January 2022.

1. Heard Shri Tejas Deshpande, Ld. counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondents.
2. On oral request of Ld. CPO, S.O. **three weeks** for filing reply.

Member (J)

pdg

O.A. No. 418/2020

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

Dated : 18th January 2022.

CA 197/2010.

1. Heard Shri P.K. Mishra, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondent No.1. Shri T.M. Jaheer, Adv. for R.2 & 3.
2. On oral request of Ld. P.O., S.O. **two weeks** for filing reply.

Member (J)

pdg

O.A. No. 47/2021

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

Dated : 18th January 2022.

1. Heard Shri N.D. Thombre, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.
2. On oral request of Ld. P.O., S.O. **four weeks** for filing reply as a last chance.

Member (J)

pdg

O.A. No. 161/2021

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

Dated : 18th January 2022.

1. Heard Shri N.D. Thombre, Ld. counsel for the applicant and Shri S.A. Sainis, Ld. P.O. for the respondents.

2. On oral request of Ld. P.O., S.O. **three weeks** for filing reply as a last chance.

Member (J)

pdg

O.A. No. 887/2021

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

Dated : 18th January 2022.

1. Heard Shri Abhijit Barahate, Adv. holding for Miss P.B. Patekar, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.

2. Replies of R. 2 and 3 filed by Ld. P.O. are taken on record. He submits that these

replies shall be sufficient to decide the matter finally.

3. Ld. counsel for the applicant seeks time to file rejoinder.

4. S.O. two weeks for filing reply by the applicant.

Member (J)

pdg

O.A. No. 980/2021

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

Dated : 18th January 2022.

1. Heard Shri G.N. Shinde, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.

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

Member (J)

pdg

O.A. No. 981/2021

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

Dated : 18th January 2022.

1. Heard Shri G.N. Shinde, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.
2. On oral request of Ld. P.O., S.O. **two weeks** for filing reply.

Member (J)

pdg

O.A. No. 982/2021

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

Dated : 18th January 2022.

1. Heard Shri S.N. Gaikwad, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.
2. Ld. counsel for the applicant states that respondents have been and he will file service affidavit in the office.
3. S.O. **one week.**

Member (J)

pdg

O.A. No. 1026/2021

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

Dated : 18th January 2022.

1. Heard Shri R.V. Shiralkar, Ld. counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondents 1 and 2. Shri A.M. Sudame, Adv. holding for Shri Ashwin Deshpande, Adv. for R.3.
2. Ld. CPO has placed on record communication dated 17.1.2022 to contend that the applicant was not State Government employee and hence the application will not be maintainable.
3. Ld. counsel for the applicant seeks time to take instructions.
4. On behalf of respondent No.3 also, time is sought.
5. S.O. **one week.**

Member (J)

pdg

O.A. No. 161/2021

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

Dated : 18th January 2022.

1. Heard Shri N.D. Thombre, Ld. counsel for the applicant and Shri S.A. Sainis, Ld. P.O. for the respondents.
2. On oral request of Ld. P.O., S.O. **four weeks** for filing reply.

Member (J)

pdg

O.A. No. 59/2022

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

Dated : 18th January 2022.

CA NO. 20/2022.

1. Heard Shri S.P. Palshikar, Ld. counsel for the applicants and Shri S.A. Deo, Ld. C.P.O. for the respondents.
2. Perused the application. Application is allowed.

O.A. No. 59/2022

The applicants who are working as Driver have challenged the order dated 27.12.2021 (A-3) transferring them on administrative ground. While assailing this

order, the applicants have relied on the Circular dated 16.7.2018. By this Circular, persons working in the cadre of Driver were excepted for the purpose of transfer.

2. The applicants have also relied on interim order dated 8.9.2021 passed by this Tribunal in O.A. Nos. 801/2021 and 802/2021. It is submitted that since the impugned order is opposed to Circular dated 16.7.2018, its effect and implementation should be stayed at least till reply is filed by the respondents.

3. On the other hand, Ld. CPO has relied on the judgment dated 24.12.2021 in O.A. No. 372/2020 delivered by Aurangabad Bench of this Tribunal. Attention of this Tribunal was invited to para 6 of the judgment wherein it is observed-

“As stated by the respondent No.2, there is no separate cadre of “Driver” in “SRPF” and as there is no separate recruitment or any other rules for assigning job of motor vehicle Driver exclusively to any member of armed constabulary in “SRPF” on permanent basis, and as these facts which have not been contested by the original applicants.”

4. By way of reply, it is submitted by Shri S.P. Palshikar, Ld. counsel for the applicants that the judgment in O.A.No. 372/2020 does not refer to Circular dated 16.7.2018 and hence,

prima facie it may not be applicable to the facts of this case.

5. On considering rival submissions, I have come to the conclusion that the case is made out to pass interim order. Hence, the order.

ORDER

- (i) The impugned order dated 27.12.2021 (Annexure A-3) is stayed to the extent of present applicants till filing of reply.
- (ii) Issue notice to remaining respondents returnable after four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.
- (iii) Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- (iv) 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.
- (v) 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.

- (vi) 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.
- (vii) 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.
- (viii) S.O. **four weeks.**
- (ix) Steno copies be provided to both sides.

Member (J)

O.A. No. 543/2021

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondent Nos. 1 to 4.

2. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 542, 575, 576, 843 & 844 of 2021

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri S.A. Sainis, Ld. P.O. for the respondents.
2. It is submitted that the issue involved in these applications is pending determination before the Hon'ble High Court and, therefore, the matter be kept on 9.3.2022.
3. S.O. **9.3.2022**.

Member (J)

pdg

O.A. No. 240/2019

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondent Nos. 1, 3 & 6. None for R.4 and 5.
2. Matter is admitted.
3. On oral request of Ld. P.O., time is granted to file reply. Since the other matter in the group are kept on 9.3.2022, this be kept on 9.3.2022.
4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 693 /2021

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

Dated : 18th January 2022.

1. Heard Shri Abhijit Barahate, Adv. holding for Shri N.R. Saboo, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.
2. In view of pursis filed by the Ld. counsel for the applicant, application is disposed of as withdrawn.

Member (J)

pdg

O.A. No. 66/2022

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

Dated : 18th January 2022.

1. Heard Shri S.A. Pathak, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondent No.1.

2. The applicant has impugned the order dated 25.11.2021 (A-1) where-under recovery of what is stated to be excess payment is proposed. According to the Ld. counsel for the applicant, before passing the impugned order, no notice was issued to the applicant and thus there was breach of principles of natural justice.

3. Ld. P.O. has pointed out that the applicant is Group-D employee and his still working. He further submits that he will take instructions and matter be kept on 27.1.2022. According to him, since the matter will come up on 27.1.2022, there is no possibility that till then recovery pursuant to the impugned order will start. There is merit in this submission.

4. Issue notice to R-2 & 3 returnable on **27.1.2022**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

10. S.O. **27.1.2022**.

Member (J)

pdg

O.A. No. 756/2021

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

Dated : 18th January 2022.

CA No. 273/2921

1. Heard Shri A.M. Sudame, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.
2. Matter is heard finally.
3. Closed for orders.

Member (J)

pdg

O.A. No. 35/2022

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

Dated : 18th January 2022.

1. Heard Shri V.R. Borkar, Ld. counsel for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.
2. Order dated 13.7.2021 (A-1) is impugned under which an amount of Rs. 2,50,911/- is sought to be recovered from the applicant. It is pointed out that the applicant retired in the year 2013. It is further submitted that pursuant to the impugned order, recovery at the rate of Rs. 5,000/- per month has been already started.
3. In view of aforesaid fact, effect and implementation of the impugned order (A-1) is stayed till reply is filed by the respondents.
4. Issue notice to remaining respondents returnable after four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

10. S.O. **four weeks.**

Member (J)

O.A. No. 22 /2016

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

Dated : 18th January 2022.

1. Heard Shri S.P. Palshikar, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.
2. It is pointed out by the Ld. counsel for the applicant that C.A. No.31/2019 was filed by one Sheetal Antapurkar for intervention, it was allowed and the applicant was directed to carry out consequential amendment. It is submitted

that the said Sheetal Antapurkar has tendered resignation, he is no longer in Government service and hence objection regarding his non impleadment should be waived. Office objection is waived.

3. S.O. 3.2.2022.

Member (J)

pdg

O.A. No. 577/2017

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

Dated : 18th January 2022.

1. Heard Shri D.M. Surjuse, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents 1 and 2. None for R.3.

2. Matter is heard.
3. Ld. P.O. seeks time to go through the rulings relied on by the applicant and make submission only tot hat extent.
4. S. O. 3.2.2022.
5. Part heard matter.

Member (J)

pdg

O.A. No. 947 /2018

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

Dated : 18th January 2022.

1. Heard Shri H.D. Futane, Ld. counsel for the applicant and Shri V.A. Kulkarni, Ld. P.O. for the respondents.

2. S.O. 3.2.2022.

Member (J)

pdg

O.A. No. 992/2019

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

Dated : 18th January 2022.

1. None for the applicant. Heard Shri M.I. Khan, Ld. P.O. for the respondents.
2. S.O. four weeks.

Member (J)

pdg

O.A. No. 82/2020

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

Dated : 18th January 2022.

1. Heard Shri S.P. Palshikar, Ld. counsel
for the applicant and Shri M.I. Khan, Ld. P.O.
for the respondent No.1. None for R.2.

2. S.O. 7.2.2022.

Member (J)

pdg

O.A. Nos. 771, 773 of 2016,23/2017,477/2017, 24/2017,476/2017,633/2017,479/2017,772/2016 , 862/2017 & 981/2017 with R.A. Nos.02,03,04,05,06,07,08,09,10,11 and 12 of 2019.

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

Dated : 18th January 2022.

1. None for the applicants. Heard Shri M.I. Khan, Ld. P.O. for the respondents.
2. In case no one remains present for the applicants on the next date, matter shall be heard finally.
3. S.O. **9.3.2022**.

Member (J)

pdg

O.A. No. 982 /2017

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents 1 to 3 and 6. Shri N. Majithia, Adv. for R. 4 and 5.
2. Matter is admitted.
3. Ld. P.O. waives notice for R.1.
4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 222/2018

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.
2. Matter is admitted.
3. Ld. P.O. waives notice for R.1.
4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 920 /2018

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents 1 to 3 and 6. Shri B.N. Jaipurkar, Adv. for R. 4 and 5. None for R.4.
2. Matter is admitted.
3. Ld. P.O. waives notice for R.1.
4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 682 /2021

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

Dated : 18th January 2022.

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

2. At the request of the Ld. counsel for the applicant, S.O. 20.1.2022.

Member (J)

pdg

O.A. Nos. 988 of 2019

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri A.M. Khadatkar, Ld. P.O. for the respondent Nos. 1, 3 & 6. None for R.4 and 5.
2. Reply of R.3 filed by Ld. P.O. is taken on record
3. Matter is admitted.
4. Arguments of Ld. counsel for the applicants and the Ld. P.O. are heard in part. Ld. P.O. seeks time to take instructions in respect of judgment dated 4.1.2022 delivered by Principal Seat of this Tribunal in a group of three O.As.
5. S.O. 9.3.2022.

Member (J)

pdg

O.A. No. 989 of 2019

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri A.M. Khadatkar, Ld. P.O. for the respondent Nos. 1, 3 & 6. None for R.4 and 5.
2. Reply of respondents filed by Ld. P.O. is taken on record.
2. Matter is admitted.
3. Arguments of Ld. counsel for the applicants and the Ld. P.O. are heard in part. Ld. P.O. seeks time to take instructions in respect of judgment dated 4.1.2022 delivered by Principal Seat of this Tribunal in a group of three O.As.
4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 241 of 2019

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri A.M. Khadatkar, Ld. P.O. for the respondent Nos. 1, 3 & 6. None for R.4 and 5.

2. Matter is admitted.

3. Arguments of Ld. counsel for the applicants and the Ld. P.O. are heard in part. Ld. P.O. seeks time to take instructions in respect of judgment dated 4.1.2022 delivered by Principal Seat of this Tribunal in a group of three O.As.

4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 990 of 2019

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri A.M. Khadatkar, Ld. P.O. for the respondent Nos. 1, 3 & 6. None for R.4 and 5.
2. Matter is admitted.
3. Arguments of Ld. counsel for the applicants and the Ld. P.O. are heard in part. Ld. P.O. seeks time to take instructions in respect of judgment dated 4.1.2022 delivered by Principal Seat of this Tribunal in a group of three O.As.
4. S.O. **9.3.2022.**

Member (J)

pdg

O.A. No. 559/2021.

**Coram : Hon. Shri M.A. Lovekar ,
Member(J).
Dated : 18th January 2022.**

1. Heard Shri Y.Y. Humne, Ld. counsel for the applicants and Shri A.M. Ghogre, Ld. P.O. for the respondents.
2. Minutes of the meeting dated 28.6.2021 filed by Ld. P.O. are taken on record and marked "X" for identification. The Ld. counsel for the applicant seeks time to place on record G.R. regarding entertaining anonymous complaint.
3. S.O. **24.1.2022.**

Member (J)

pdg

O.A. No.1108 / 2021

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri M.I. Khan, Ld. P.O. R.1.
2. Issue notice to remaining respondents returnable on 9.3.022. 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. **9.3.2022.**

Member (J)

pdg

O.A. No.1109 / 2021

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicants and Shri M.I. Khan, Ld. P.O. R.1.

2. Issue notice to remaining respondents returnable on **9.3.022.** 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. **9.3.2022.**

Member (J)

pdg

O.A. No. 183/2021

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

Dated : 18th January 2022.

1. Heard Shri Abhijit Barahate, Adv. holding for Shri N.R. Saboo, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.

2. S.O. **7.2.2022.**

Member (J)

pdg

O.A. No. 702/2021

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

Dated : 18th January 2022.

1. Heard Shri R.L. Kadu, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.

2. S.O. **20.1.2022.**

Member (J)

pdg

O.A. No. 982/2017

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.
2. At the request of the Ld. counsel for the applicant, S.O. **9.3.2022**.

Member (J)

pdg

O.A. No. 622/2018

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.
2. At the request of the Ld. counsel for the applicant, S.O. **9.3.2022**.

Member (J)

pdg

O.A. No. 829/2018

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

Dated : 18th January 2022.

1. Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.
2. At the request of the Ld. counsel for the applicant, S.O. **9.3.2022**.

Member (J)

