

O.A. 1023/2018 (D.B.)

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

**Dated :** 19/01/2022.

Heard Shri Barhate, Id. counsel holding  
for Shri N.R. Saboo, Id. counsel for the  
applicants and Shri A.M. Khadatkhar, Id. P.O. for  
the respondents.

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 745/2021 (D.B.)

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

**Dated :** 19/01/2022.

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

2. The Id. counsel for the applicant is directed to remove office objections.
3. The Id. P.O. submits that he has received parawise reply and he desires three weeks time to file reply.
4. At the request of Id. P.O., **S.O. three weeks** for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 561/2020 (D.B.)

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

**Dated : 19/01/2022.**

Heard Shri V.R. Deshpande, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. As per order of this Tribunal dated 10/01/2022, the Id. P.O. has filed today office note of respondent no.3. It is taken on record and marked Exh-X for identification. Copy of the same is given to the Id .counsel for the applicant.

**Closed for orders.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 48/2022 (D.B.)**

( S.T. Bashiroddin Vs. State of Mah.& Ors.)

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

**Dated : 19/01/2022.**

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

2. Since the matter is heard finally at admission stage the reply of respondents is not required.

3. The facts of the case is that as per the letter by Superintendent of State Excise, Nanded dated 17/3/2021 (A-7,P-46) the applicant was appointed in Open category (Muslim) against the Sport quota. This order is pointed out to the Commissioner of State Excise, Mumbai by Controlling Officer of the applicant vide letter dated 17/3/2021 (A-7,P-46). The applicant has also submitted representation dated 10/11/2021 (A-6,P-40 to 45) and he has pointed out in para-1 of page no.41 about these facts. However in the Circular dated 20/12/2021 (A-4,P-32) the applicant appears at Sr.No.61 and in column no.11 it is written "ukgh\*\*" against the Caste Verification Certificate. Since the applicant was not at all appointed against the caste category, this document is not required

at the time of promotion. After the DPC as pointed out by the learned counsel for the applicant, promotions orders were issued 13/12/2021 (A-9,P-49 to 52) where the applicant's batch mates and his juniors were promoted. Except this point, there is nothing against the applicant for not promoting.

4. In view of these facts, the respondents are directed to consider the applicant's representation dated 10/11/2021 (A-6,P-40 to 45) and letter written by the Superintendent of State Excise, Nanded dated 17/3/2021 (A-7,P-46) during forthcoming DPC and take decision about promotion and also deemed date of promotion of the applicant as per the rules and regulations.

5. With above directions, the O.A. is disposed off. No order as to costs.

Steno copy is granted.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 753/2021 (D.B.)**

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

**Dated : 19/01/2022.**

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

2. The respondent no.2 filed reply on 25/11/2021 and in para nos.12&13 it is submitted that process of DPC promoting the applicant is in process.

3. The respondents are directed to take decision on promotion of applicant as per the Prayer Clause 11 (I) as per rules and regulations within three months from the date of receipt of this order.

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 1152/2021 (D.B.)

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

**Dated : 19/01/2022.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four 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.

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

**Member (J)**

**Vice-Chairman**

dnk.



O.A. 1153/2021 (D.B.)

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

**Dated :** 19/01/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four 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.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 26/2022 (D.B.)**

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

**Dated : 19/01/2022.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four 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.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 47/2022 (D.B.)**

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

**Dated : 19/01/2022.**

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. PO for the State.

2. The applicant to removed office objections. Issue notice to the respondents returnable **after four weeks**. Learned 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.

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

**Member (J)**

**Vice-Chairman**

\*\*dnk.

**O.A. No. 452 /2019**

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

**Dated : 19<sup>th</sup> January 2022.**

1. Heard Shri A.S. Dhore, Ld. counsel for the applicant and Shri S.A. Sainis, Ld. P.O. for the respondents 1 to 6. None for R.7 to 9.
2. The Ld. counsel for the applicant and the Ld. P.O. shall ascertain to which of the respondents directions are required to be issued to redress grievance of the applicant.
3. S.O. **20.1.2022.**

Member (J)

pdg

**O.A. No. 1027 /2021**

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

**Dated : 19<sup>th</sup> January 2022.**

**CA No.01/2022.**

1. Heard Shri A.C. Dharmadhikari, the Ld. counsel for the applicant and Shri S.A. Sainis, Ld. P.O. for the respondent No.1.
2. Perused contents of application. One of the proposed amendments is necessitated by subsequent development and other proposed amendments do not change the nature of the application. Hence, the application is allowed.
3. After the amendment is carried out, notices shall be issued to the substituted respondents.
4. Issue notice to the substituted 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. 1000/2018**

**Coram : Hon. Shri M.A. Lovekar ,  
Member(J).  
Dated : 19<sup>th</sup> 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. On oral request of Ld. P.O., S.O. four weeks for filing reply.

Member (J)

pdg

**O.A. No. 762/2020**

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

**Dated : 19<sup>th</sup> January 2022.  
CA 212/2021.**

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 1 to 4. None for R.5.
2. It is submitted by Shri Abhijit Barahate, Adv. holding for Shri N.R. Saboo, Ld. counsel for the applicant that this matter should be tagged

with O.A.No.761/2020, since the issue involved is the same.

3. O.A. No.761/2020 is not on today's board. Tagging shall be done as prayed. It is pointed out by Ld. P.O. that in this O.A., contesting respondents have filed their reply.

4. S.O. next week.

Member (J)

pdg

**O.A. No. 786/2020**

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

**Dated : 19<sup>th</sup> January 2022.**

1. Heard Miss Reshmi N. Gaikwad, Adv. holding for Shri S.M. Khan, Ld. counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for

the respondents 1 to 4. Shri H.D. Marathe,  
Adv. for R.5.

2. Ld. Adv. for R.5 seeks time of one week  
to file reply. Time is granted.

3. S.O. **one week.**

Member (J)

pdg

**O.A. No. 947/2020**

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

**Dated : 19<sup>th</sup> January 2022.**

1. Heard Shri Y.D. Mankar, 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.** He states that on the next date, he will positively file reply.

Member (J)

pdg

**O.A. No. 580/2021**

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

**Dated : 19<sup>th</sup> 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. S.O. **four weeks.**

Member (J)

pdg

O.A. No. 678/2021

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

Dated : 19<sup>th</sup> January 2022.  
CA 237/2021.

1. Heard Shri R.V. Shiralkar, Ld. counsel for the applicant and Shri M.I. Khan,, Ld. P.O. for the respondents.
2. Perused the application. Application is allowed.
2. S.O. four weeks to file reply by Ld. P.O.

Member (J)

pdg



**O.A. No. 836/2021**

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

**Dated : 19<sup>th</sup> January 2022.**

1. Heard Miss Aparna Telang, Adv. holding for Shri A.P. Tathod, Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents.
2. The Ld. counsel for the applicant submits that the respondents have been served and service affidavit will be filed in the office.
3. S.O. **one week.**

Member (J)

pdg

**O.A. No. 53/2022**

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

**Dated : 19<sup>th</sup> January 2022.**

1. Heard Shri H.R. Dhumale, Ld. counsel for the applicant and Shri S.A. Sainis, Ld. P.O. for the respondents.
2. In this O.A., the applicant has impugned the orders which are at Exh. A-8, A-9 and A-11.
3. It is submitted that by letters (A-3 and A-4), the applicant brought it to the notice of respondent No.6 that full charge of godown was not handed over to him, respondent No.6 issued letter (A-5) to one Shri Wadekar who was to handover charge of godown to the applicant, again on 14.3.2013, Shri Wadekar was asked by respondent No.6 to handover charge to the applicant (said communication is at A-6), thereafter directions were issued on 3.8.2015

(A-7) for immediate handing over and taking over of charge, name of the applicant is at Sr. No.5, in this order, thereafter, abruptly order of recovery (A-8) was passed by respondent No.5, as per this order, an amount of Rs. 29,55,917/- was directed to be recovered, thereafter, on 1.2.2019, respondent No.6 called upon the applicant to deposit the amount which was directed to be recovered from him, in this letter, there was reference to several communications made by the office to the applicant and by order dated 7.10.2021, respondent No.3 directed recovery of Rs.27,27,967/- in lump sum from the applicant.

4. It is further submitted by Ld. counsel for the applicant that from the month of April, 2019, the amount of Rs. 5,000/- is being recovered every month from the salary of the applicant.

5. The applicant contends that before passing the impugned orders (A-8, A-9 and A-11), no notice was issued to him, it was absolutely necessary to issue notice since the orders are punitive in nature and, therefore, this Tribunal may grant interim relief by staying effect and implementation of all three impugned orders.

6. In reply, it is pointed by Ld. P.O. that Annexure A-9 will reveal that the employer of the applicant had issued several letters to him, but the applicant did not bother to give reply to any of these letters.

7. I, *prima facie* find substance in the contention of the applicant that one of the impugned orders at A-8 appears to have been passed abruptly without spelling out relevant details in it. Therefore, it would be proper to stay effect and implementation of Annexures A-8, A-9 and A-11 till filing of reply by the respondents.

8. Effect and implementation of Annexures A-8, A-9 and A-11 is stayed till filing of reply by the respondents.

9. Issue notice to remaining respondents returnable after four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

13. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

15. S.O. **four weeks.**

16. Steno copies be supplied to both sides.

Member (J)

pdg