

O.A.984/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

1. Shri S.M.Bhagde, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.
2. Ld. Counsel for the applicant has pointed out one letter dated 30-11-2019 (Annexure A-9, Page 48), as per provisions contained in Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 no Officer or Executive has power to send any officer on compulsory leave. There is no provision in the said Rules regarding compulsory leave.
3. In view of this, the impugned order dated 30-11-2019 appears prima facie bad in law and hence the order dated 30-11-2019 is written by the Principal, Government Polytechnic, Sakoli the respondent no.4 is stayed with immediate effect.
4. Issue notice to the respondents **returnable after 4 weeks.**
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. after 4 weeks.**

11. Steno copy and hamdust granted.

Vice-Chairman

yuk.

O.A.979/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

1. Shri M.V.Bute, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.
2. Ld. Counsel for the applicant has placed on record the impugned order dated 04-12-2019 (Annexure A-1, Page 12) by which the applicant is placed under suspension. It is contention of the learned Advocate for the applicant that the applicant has not received this letter till now but effect of the suspension period will start from the date of this letter only. This has been made clear by the learned Counsel for the applicant.
3. Issue notice to the respondents **returnable after 4 weeks.**
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.

9. **S.O. after 4 weeks.**

10. Steno copy and hamdust granted.

Vice-Chairman

yuk.

C.A.No. 547/2017 in O.A.113/2017 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

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

Learned P.O. seeks time to file reply on behalf of the respondents. Time is granted.

S.O. after vacation.

Vice-Chairman

yuk.

O.A.Nos.422/2019 IN O.A.423/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the respondent nos.1 to 4 and Shri K.S.Malokar Id. Counsel for respondent no.5 in O.A.No.422/2019.

Learned P.O. seeks time to file reply on behalf of the respondents. Time is granted.

S.O. 21-01-2020.

Vice-Chairman

yuk.

O.A.No.575/2019 IN O.A.576/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

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

Learned P.O. seeks time to file reply on behalf of the respondents. Time is granted.

S.O. 21-01-2020.

Vice-Chairman

yuk.

O.A.814/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri S.B.Tiwari, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

Learned P.O. seeks time to file reply on behalf of the respondents. Time is granted.

S.O. after four weeks.

Vice-Chairman

yuk.

O.A.820/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri S.P.Palshikar, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

Learned P.O. seeks time to file reply on behalf of the respondents. Time is granted.

S.O. 16-12-2019.

Await service of respondent no.2.

Vice-Chairman

yuk.

O.A.837/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri A.R.Rishi, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

Learned P.O. seeks time to file reply on behalf of the respondents. Time is granted.

S.O. after four weeks.

Vice-Chairman

yuk.

O.A.843/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 21-01-2020.**

Vice-Chairman

yuk.

O.A.844/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 21-01-2020.**

Vice-Chairman

yuk.

O.A.890/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri G.N.Khanzode, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

At the request of learned Counsel for the applicant, **S.O. after vacation.**

Vice-Chairman

yuk.

O.A.981/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

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

By consent of the parties, **S.O.16-12-2019.**

Vice-Chairman

yuk.

O.A.836/2017 & 837/2017 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

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

At the request of learned Counsel for the applicant, **S.O. 18-12-2019.**

Vice-Chairman

yuk.

O.A.NO.382/2017 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri I.G.Meshram, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

At the request of learned Counsel for the applicant, **S.O. 07-01-2020.**

Vice-Chairman

yuk.

O.A.No.415, 416, 417, & 629 of 2018 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri S.D.Malke, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the respondent nos.1 & 2, Shri K.J.Topale Id. Counsel for respondent no.3 in 416/18 and Shri U.K.Bisen Id. counsel for respondent no.3 in O.A.No.415/18.

At the request of learned counsel for the applicant, **S.O.13-01-2020.**

Vice-Chairman

yuk.

**C.A.NO.373/2019 & 450/2019 O.A.No.414/2018
(S.B.)**

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

C.A.NO.373/2019 & 450/2019

Shri S.D.Malke, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the respondent nos.1 & 2, Shri K.J.Topale Id. Counsel for respondent no.3 in O.A.414.

At the request of learned counsel for the applicant, **S.O.13-01-2020.**

Vice-Chairman

yuk.

O.A.NO.382/2017 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

Shri I.G.Meshram, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

At the request of learned Counsel for the applicant, **S.O. 07-01-2020.**

Vice-Chairman

yuk.

C.A.229/2018 IN O.A.840/2019

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 11/12/2019.

C.A.229/2018

Shri I.G.Meshram, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

At the request of learned Counsel for the applicant, **S.O. 07-01-2020.**

Vice-Chairman

yuk.

**O.A.302, 242, 243, 244, 245, 246, 324 & 424 all
of 2019 (D.B.)**

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicants and Shri Shrikant Dev Id. CPO & Shri M.I.Khan, P.N.Warjurkar, H.K.Pande, V.A.Kulkarni & M.A.Khadatkar, Id. P.Os. for the respondents.

Learned CPO & POs filed affidavit in reply on behalf of respondent nos.1 to 3 in all the matters. O.A. is admitted and be kept for final hearing in due course.

Member (J)

Vice-Chairman

yuk.

O.A.810/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri S.M.Bhagade, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

Learned P.O. desires more time to file reply. Time is granted.

S.O. after vacation.

Member (J)

Vice-Chairman

yuk.

O.A.821/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Dr. B.K.Meshram applicant present in person and Shri S.A.Sainis, Id. P.O. for the respondents.

Learned P.O. seeks 3 weeks' time to file affidavit in reply. Time is granted as a last chance.

Learned P.O. points out that the O.A.No.948/2019 is connected matter. Hence, both these cases be tagged together.

S.O. 3 weeks.

Member (J)

Vice-Chairman

yuk.

O.A.939/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri P.V.Thakre, Id. counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondents and Smt J.J.Alkari learned Counsel for respondent no.2 to 4. .

Learned Counsel for respondent nos.2 to 4 submitted that she would file reply of respondent nos.2 to 4 during the course of the day.

Learned P.O. submitted that O.A. can be decided on the basis of reply submitted by respondent nos.2 to 4. Therefore, matter is admitted for final hearing.

S.O. 09-01-2020.

Member (J)

Vice-Chairman

yuk.

O.A.251/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

Learned P.O. has produced office order dated 20-03-2019 passed by the Joint Director. It is submitted that additional charge which were with the applicant are now withdrawn.

Therefore, there remains no substance in the matter. Accordingly, O.A. stands disposed of with no order as to costs.

Member (J)

Vice-Chairman

yuk.

C.A.456/2019 IN O.A.978/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Shri S.P.Palshikar, Id. counsel for the applicants and Shri Shrikant Dev, Id. C.P.O. for the respondents.
2. C.A.No.456/2019 is filed for permission to file joint O.A. C.A. is allowed.
3. If any appointments are made then those shall be subject to outcome of this O.A.
4. Issue notice to Respondents in the O.A., **returnable after 4 weeks.**
5. Learned C.P.O. waives notice for the respondent No.1 & 2. Hamdast granted.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. after 4 weeks.**

Member (J)

Vice-Chairman

yuk.

O.A.610/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

O.A. is admitted for final hearing and it be kept on 03-02-2020 for final hearing.

Member (J)

Vice-Chairman

yuk.

O.A.113/2018(D.B.) with 871/2017(S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

R.V.Shiralkar Id. counsel holding for Shri S.N.Gaikwad Id. counsel for the applicant in O.A.No.113/18 & Shri R.V.Shiralkar, Id. counsel for applicant in O.A.No.871/17 and Shri M.I.Khan, Id. P.O. for the respondents in respective O.As.

Arguments of both sides are heard at length. Case is reserved for order.

Member (J)

Vice-Chairman

yuk.

O.A.864/17 with C.A.05/19 & C.A.345/19(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri G.G.Bade, Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the respondents and Shri S. Pande learned counsel for respondent no.2.

At the request of Id. P.O. matter be taken up on board on Monday i.e. on 16-12-2019.

Member (J)

Vice-Chairman

yuk.

O.A.172/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Smt. Archana Mure Id. counsel h/f.
Shri S.A.Marathe, Id. counsel for the applicant
and Shri H.K.Pande, Id. P.O. for the
respondents.

At the request of Id. counsel for the
applicant, **S.O. after vacation.**

Member (J)

Vice-Chairman

yuk.

**O.A.257/18, O.A.949/17 with C.A.38/18,
O.A.950/17 with C.A.39/18, 913/18 & 914/18
(D.B.)**

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri N.R.Saboo, Id. counsel for the applicants and Shri P.N.Warjurkar, S.A.Sanis, A.P.Potnis, H.K.Pande and Shri A.M.Khadatkar, Id. P.Os. for the respondents.

Learned P.O. files affidavit in reply in O.A.949/17 with C.A.38/18 & O.A.950/17 with C.A.39/18.

The matter be taken up on board on 07-01-2020.

Member (J)

Vice-Chairman

yuk.

O.A.720/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Shri S.K.Verma, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

2. It is submitted by the learned counsel for the applicant that the post reserved as per social reservation for Women, Sportsmen, Ex-servicemen, Project Affected Person, Earthquake affected persons and Part Time Employees would go back to the same category if such candidate would not be found suitable.

3. Learned counsel for the applicant has invited our attention to the advertisement dated 02-02-2018. On perusal of the advertisement dated 16-12-2015 it seems that though such provision was made in the advertisement that posts reserved for Women, Sportsmen, Ex-servicemen, Project Affected Person, Earthquake affected persons and Part Time Employees would go same social reservation in vertical reservation.

4. Learned P.O. submitted that he requires time to verify the position. Time is granted. Matter be taken up for hearing after vacation.
5. Matter be treated as part heard.
6. **S.O. after vacation.**

Member (J)

Vice-Chairman

yuk.

O.A.197/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri D.T.Shinde, Id. counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the respondents and Shri M.I.Dhatrak learned Advocate for respondent no.2..

Arguments of both sides are heard at length. Case is reserved for order.

Member (J)

Vice-Chairman

yuk.

O.A.485/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

2. The applicant is challenging the chargesheet served on him on 27-04-2018. The main contention of the applicant is that there is delay of 6 years in serving the chargesheet, and therefore, the departmental enquiry initiated is in violation of law.

3. In reply the learned P.O. has submitted that the departmental enquiry is pending. Nature of charges is serious and the applicant is in service and enquiry will be completed in due course.

4. As per the law laid down by the Apex Court every disciplinary enquiry shall be completed within a period of 6 months or as an outer limit within 1 year. Keeping in view the nature of the charges, in our opinion, at this stage, this enquiry cannot be quashed merely because there is a delay in serving chargesheet but considering the facts that chargesheet is

issued on 27-04-2018 (page 8), we think it suitable to direct the respondents to complete the enquiry within a period of 6 months from the date of this order. O.A. stands disposed of with no order as to costs.

Member (J)

Vice-Chairman

yuk.

O.A.530/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Heard Shri S.M.Khan, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.
2. Admittedly, the departmental enquiry is pending against the applicant. This O.A. is filed to claim promotion.
3. In view of this, it is suitable to direct the respondents to consider the applicant as per merit and seniority while issuing promotion in view of the direction issued in Government Resolution dated 15-12-2017.
4. O.A. stands disposed of with no order as to costs.

Member (J)

Vice-Chairman

yuk.

O.A.189/2010 with MCA33/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri D.R.Bhoyar, Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the respondents and Shri Bharat Kulkarni learned counsel for respondent no.3. .

2. Matter be taken up on board for hearing MCA 33/2018.
3. S.O. to 07-01-2020.

Member (J)

Vice-Chairman

yuk.

O.A.677/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri R.K.Joshi, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

At the request of learned P.O., S.O. to 07-01-2020.

Member (J)

Vice-Chairman

yuk.

C.A.NO.459/2019 IN O.A.985/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri V.B.Gawali, Id. counsel for the applicants and Shri Shrikant Dev, Id. C.P.O. for the respondents.

2. C.A.No.459/2019 is filed for permission to file joint O.A. M.A. is allowed.

3. The applicants are challenging their termination order (Annexure A-10, page 46). It is submitted by the learned Counsel for the applicant that now the respondents have published advertisement for filling posts of the Law Officers and the similar situation was examined by the Hon'ble Bombay High Court in Writ Petition No.5831/2018 decided on 04-06-2019. It is submitted that after considering the Circular dated 09-02-2018 and considering the fact that Circular issued by the Government on 09-02-2018 is stayed by another Circular dated 07-03-2018, Hon'ble High Court directed the Government to review the process and observed that continuation of Petitioner in service on contract basis as a Law Officer shall be subject

to the final decision to be taken in the matter by the State Government.

4. On the basis of this judgment delivered by the Hon'ble High Court, the applicants are claiming relief that the advertisement published by the respondents on 06-12-2019 in Daily Lokmat dated 08-12-2019 be quashed and it be stayed till disposal of the O.A. and the respondents be restrained from terminating services of the applicants.

5. After reading the last paragraph of the order in Writ Petition No.5831/2018 we would like to point out that the Hon'ble High Court laid down that the continuation of the Petitioners in service on contract basis as Law Officer shall be subject to the final decision to be taken in the matter by the State Government. It is nowhere directed that any relief exceeding contract be given. In this regard we would like to point out that in Civil Appeal Nos.6132-33 of 2016 (Arising out of SLP (C) Nos.34788-34789 of 2012) Hon'ble Apex Court in paragraph 16 of the judgment has observed as under:-

"16. The above terms of the agreement further reiterates the stand of the State that the appointments were purely contractual and that the respondents shall not be entitled to claim any right or interest

=3= C.A.NO.459/2019 IN O.A.985/2019 (D.B.)

of permanent service in the government. The appointments of respondents were made initially for eleven months but were renewed twice and after serving the maximum contractual period, the services of the respondents came to an end and the Government initiated a fresh process of selection. Conditions of respondents' engagement is governed by the terms of agreement. After having accepted contractual appointment, the respondents are estopped from challenging the terms of their appointment. Furthermore, respondents are not precluded from applying for the said posts afresh subject to the satisfaction of other eligibility criteria."

6. After reading above paragraph 16, it is clear that Hon'ble Apex Court has held that the respondents accepted contractual appointment, and therefore, they were estopped from challenging the terms of their appointment. It was also held by the Hon'ble Apex Court that the respondents were not precluded from applying for the said post afresh.

7. Similar situation was examined by the Division Bench of the Hon'ble Bombay High Court in case of Aman Shah Hussain Shah &

=4= C.A.NO.459/2019 IN O.A.985/2019 (D.B.)

Ors. V/s. Chief Officer, Municipal Council, Karanja (Lad) & Ors. reorted in [2013 (4) Mh.L.J. 255]. Before the Hon'ble High Court statement was made that one ad-hoc employee cannot be replaced by another ad-hoc employee but this argument was turned down by the Division Bench of Hon'ble High Court. Hon'ble High Court has made following observation in paragraph 5 of judgment delivered on 16-04-2013 in W.P.No.4133 of 2012:-

“5. The Division Bench judgment of this Court in the case of Rajendra Vitthalrao Kamble V/s Government of Maharashtra and Ors. (supra) has considered the fate of ad hoc employees and concluded that ad hoc employees cannot claim regularization or permanency. However, it also found that when such ad hoc employees are appointed to a permanent post, they should not be replaced by another set of ad hoc employees, they can only be replaced by regularly selected employees. The perusal of this Division Bench judgment reveals that the judgment of the Hon'ble Apex Court in the case of Gangadhar Pillai Vs. Siemens Ltd. (supra) was not pointed to the Division Bench. The Division Bench has no doubt looked into the judgment of the Constitution Bench judgment of the Hon'ble Apex Court in the case of Secretary, State of Karnataka Vs. Umadevi (3) (supra), but then has arrived at a finding that the judgment in the case of State of Haryana and Ors. Vs. Piara Singh and Ors., is not overruled

by the said Constitution Bench judgment. In the light of specific observations of the Hon'ble Apex Court in paragraph 31 of its judgment in the case of Gangadhar Pillai Vs. Siemens Ltd. (supra), this Court has to accept that the judgment in the case of State of Haryana and Ors. V/s. Piara Sing and Ors. (supra) stands overruled by the Constitution Bench judgment of the Hon'ble Apex Court in the case of Secretary, State of Karnataka V/s. Umadevi (3) (supra).”

8. In the present case, facts are that the applicants are contractual employees and they were engaged on contract basis. As laid down by the Hon'ble Apex Court applicants do not have right to the post. We have perused the termination order. The order says that after expiry of the term, the services of the applicants would come to an end. It is not the case that the contractual services of the applicants are terminated at premature stage.

9. Learned Counsel for the applicant was unable to satisfy us under what right he could restrain the respondents from filling posts as per the Government policy. As the applicants do not have prima facie right to claim the post, at

the most the applicants have right to apply as per the advertisement. In this situation, it is difficult to accept that this is a case made out for grant of interim relief as claimed in paragraph 8 of the O.A.

10. Hence, issue notice to the respondents in the O.A., returnable after 4 weeks.

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

12. 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.

13. 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.

14. 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= C.A.NO.459/2019 IN O.A.985/2019 (D.B.)

15. 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.

16. **S.O. after 4 weeks.**

17. Steno copy and hamdust granted.

Member (J)

Vice-Chairman

yuk.

O.A.740/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri S.P.Palshikar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

At the request of learned Advocate for the applicant, **S.O. tomorrow i.e. 12-12-2019.**

Member (J)

yuk.

O.A.240/19 WITH O.A.241/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicants and Shri A.M.Khadatkar & Shri A.P.Potnis, Id. P.O. for the respondent nos.1 to 3 and 6. Ld. Counsel S.V.Petkar holding for Shri Kiran Malokar Id. Counsel for respondent nos.4 & 5.

Ld. P.O. seeks time to file reply on behalf of respondent nos.1 to 3 and 6. Time granted as a last chance.

S.O.21-01-2020.

Member (J)

yuk.

O.A.461/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri A.P.Chaware, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

Learned P.O. files separate replies of learned Advocate for respondent no.2 and respondent no.3. Matter is admitted for final hearing.

Liberty is given to the applicant to file rejoinder, if necessary.

S.O. after vacation.

Member (J)

yuk.

O.A.636/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

None appears for the applicant.
Shri S.A.Sainis, Id. P.O. for the respondents.

None present for the applicant. At the
request of learned P.O., **S.O. 3 weeks** for filing
reply.

Member (J)

yuk.

O.A.726/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

None appears for the applicant.
Shri A.P.Potnis, Id. P.O. for the respondents.

Learned P.O. requested time to file reply
on behalf of respondent nos.1 to 3. Applicant to
file service report of respondent no.4.

S.O. after vacation.

Member (J)

yuk.

O.A.831/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

Learned P.O. requested time to file reply on behalf of respondents.

Objection is not removed.

S.O. two weeks.

Member (J)

yuk.

O.A.875/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

Learned P.O. requested time to file reply
on behalf of respondents.

S.O. four weeks.

Member (J)

yuk.

O.A.895/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

Learned P.O. requested time to file reply on behalf of respondents.

S.O. 18-12-2019.

Member (J)

yuk.

O.A.559/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri S.P.Palshikar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

By consent of the parties, S.O. to 18-12-2019.

Member (J)

yuk.

O.A.511/2017 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri Ashish Choure Id. Counsel h/f. Shri A. Dhore, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, S.O. to 10-01-2020.

Member (J)

yuk.

O.A.541/2017 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri Ashish Choure Id. Counsel h/f. Shri R.V.Shiralkar, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, S.O. to 10-01-2020.

Member (J)

yuk.

O.A.982/2017 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the respondents and Ld. Counsel Trupti Mahendrakar h/f. Shri N. Majithia Id. Counsel for respondent nos.4 and 5.

At the request of Id. Counsel for the applicant, S.O. to 21-01-2020.

Member (J)

yuk.

O.A.622/2018 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

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

At the request of Id. Counsel for the
applicant, S.O. to 21-01-2020.

Member (J)

yuk.

O.A.920/2018 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri J.S.Deshmukh, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondent nos.1 to 3 & 6 and Id. Counsel Gayatri Reve h/f. Id. Counsel B.N.Jaipurkar for respondent no.5.

Learned P.O. files affidavit in reply on behalf of respondent no.6.

S.O. to 21-01-2020.

Member (J)

yuk.

O.A.452/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

Shri Ashish Choure Id. Counsel h/f. Shri A. Dhore, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents and Id. Counsel S.M.Saware for respondent no.8. None appears for respondent no.7.

At the request of Id. Counsel for the respondent no.8, S.O. to 10-01-2020.

Member (J)

yuk.

O.A.982/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. None appears for the applicant. Shri Shrikant Dev, Id. C.P.O. for the respondents.
2. Issue notice to the respondents **returnable after 1 week.**
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 1 week.**

9. Steno copy and hamdust granted.

Member (J)

yuk.

O.A.983/2019 (S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.
2. Perused order dated 04-12-2019. As per this order, suspension of the applicant is revoked and posting is given to him Village Porgavan, Tahsil Varud. In view of this, it is not suitable to grant any interim relief at this stage.
3. Issue notice to the respondents **returnable after 4 weeks.**
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.

9. **S.O. after 4 weeks.**

10. Steno copy and hamdust granted.

Member (J)

yuk.

Coram: Shri A.D. Karanjkar,
Member(J)

Dated : 11/12/2019.

Rev. 2/19 IN O.A.771/16, Rev.03/19 IN O.A.773/16,
Rev.04/19 IN O.A.23/17, Rev.05/19 IN O.A.477/17,
Rev. 06/19 IN O.A.24/17, Rev. 07/19 IN O.A.476/17,
Rev.08/19 IN O.A.633/17, Rev.09/19 IN O.A.479/17,
Rev.10/19 IN O.A.772/16, Rev.11/19 IN O.A.862/17,
Rev.12/19 IN O.A.981/17,

Ld. Counsel Gayatri Reve h/f. Ld. Counsel B.N.Jaipurkar for the applicants (Original Respondent nos.4 & 5), S/Shri A.M.Ghogre, A.P.Potnis, M.I.Khan, A.M.Khadatkar, S.A.Sainis, V.A.Kulkarni, P.N.Warjurkar and H.K.Pande Id. P.Os. for the respondent nos.2 to 4 (Original Respondent nos.1 to 3) and Shri J.S.Deshmukh Id. Counsel for respondent no.1 (Original Applicant).

Matters are admitted for final hearing on **21-01-2020.**

Member (J)

yuk.

O.A.No.988/19(S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Heard Shri J.S.Deshmukh, Id. counsel for the applicants and Shri Shrikant Dev Id. C.P.O. for the respondents.
2. Perused documents and various orders passed in various O.As. of similar nature. In the interest of justice, respondents are directed to maintain status quo as on today, so far as recovery is concerned.
3. Issue notice to the respondents **returnable after 4 weeks.**
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.

9. **S.O. after 4 weeks.**

10. Steno copy and hamdust granted.

Member (J)

yuk.

O.A.No.989/19(S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Heard Shri J.S.Deshmukh, Id. counsel for the applicants and Shri Shrikant Dev Id. C.P.O. for the respondents.
2. Perused documents and various orders passed in various O.As. of similar nature. In the interest of justice, respondents are directed to maintain status quo as on today, so far as recovery is concerned.
3. Issue notice to the respondents **returnable after 4 weeks.**
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.

9. **S.O. after 4 weeks.**

10. Steno copy and hamdust granted.

Member (J)

yuk.

O.A.No.990/19(S.B.)

**Coram: Shri A.D. Karanjkar,
Member(J)**

Dated : 11/12/2019.

1. Heard Shri J.S.Deshmukh, Id. counsel for the applicants and Shri Shrikant Dev Id. C.P.O. for the respondents.
2. Perused documents and various orders passed in various O.As. of similar nature. In the interest of justice, respondents are directed to maintain status quo as on today, so far as recovery is concerned.
3. Issue notice to the respondents **returnable after 4 weeks.**
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.

9. **S.O. after 4 weeks.**

10. Steno copy and hamdust granted.

Member (J)

yuk.

