

O.A. No.837/2023 (S.B.)

(Dr. Wasudeo S. Barsagade Vs. State of Mah. & Ors.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 30/11/2023.

ORDER

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

2. The learned counsel for the applicant has pointed out the order passed by this Tribunal dated 21/10/2022 in O.A.Nos. 1023/2022 along with connected matters. The respondents issued notice for recovery of Rs.24,62,938/- about the excess payment made to the applicant.

3. This Tribunal has granted stay to the recovery as per the orders dated 21/10/2022, 21/12/2022, 25/07/2023 and 07/06/2023 in the similar matters.

4. In view of above, **the stay is granted to the recovery of Rs.24,62,938/- until further orders.**

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

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. List this matter along with O.A.Nos.1023/2022 and others.

S.O. after four weeks.

Steno copy is granted...

Vice Chairman

dnk.

O.A. Nos.1254/2023, 1255/2023, 1256/2023 & 1259/2023 (D.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 30/11/2023.

COMMON ORDER

Heard Aditi D. Warjekar, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. The learned counsel for the applicants has pointed out the order passed by this Tribunal dated 07/12/2022 in O.A.No. 1195/2022. The applicants were appointed in the 5% quota of Sports person category. All the applicants were having Certificates of Power Lifting. As per the order passed by the respondents after the appointment it appears that they were wrongly granted the Sport Certificates. Against the said order, the appeals were preferred. Those appeals were dismissed by the Appellate Authority. Therefore, the applicants apprehend about the termination by the respondents. Therefore, they approached to this Tribunal.

3. In the above cited order passed by this Tribunal, it appears that in the similar matter, the respondents were directed not to take any coercive action pursuant to the impugned communication. Hence, the following order -

ORDER

(i) The interim relief is granted.

(ii) The respondents are directed not to take any coercive action as per the communication dated 01/08/2022 and order dated 13/02/2023 in O.A.1254/2023, as per communication dated 25/07/2022 and order dated 03/10/2023 in O.A.1255/2023, as per communication dated 02/08/2022 and order dated 21/06/2023 in O.A.1256/2023 and as per communications dated 25/07/2022 and 03/10/2023 in O.A.No.1259/2023, until further orders.

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

S.O. after four weeks.

Steno copy is granted...

Vice Chairman

dnk.

O.A. No.1258/2023 (D.B.)

(Ku. Mrugali P. Mahale Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

ORDER

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

2. The learned counsel for the applicant submits that the applicant applied in the Open category for the post of Assistant Commissioner, Animal Husbandry. The applicant has scored total 127 marks. She is the topper in the open woman category, but in the merit list she is shown in the OBC category. The respondents may not issue the appointment order for want of Non creamy layer (NCL) Certificate. Therefore, the applicant approached to this Tribunal.

3. The learned counsel for the applicant has pointed out the G.R. dated 04/05/2023. As per the said Govt. Resolution, the NCL Certificate is not required for Open (female) category. The applicant had made representation stating that she had paid fees of Rs.719/- for unreserved category.

4. Heard learned CPO Shri S.A. Deo. He has submitted that the applicant has not filed any document to show that she has applied in Open (female) category.

5. The learned counsel for the applicant has pointed out the order passed by this Tribunal dated 31/10/2023 in O.A.1047/2023. The applicant appeared in the written as well as in oral interview and she has scored total 127 marks i.e. highest marks in the open woman category. The issue as to whether the applicant has applied in the open category is to be decided after the reply filed by the respondents. As per the G.R. dated 04/05/2023 production of NCL certificate is not required for Open (female) category.

6. This Tribunal has passed the order dated 31/10/2023 in O.A.1047/2023 directing the respondents to allow the applicant for interview. The M.A.T., Bench at

Aurangabad has also passed the similar order in O.A.No.2083/2023 dated 19/10/2023.
Hence, the following order –

ORDER

- (i) **The Interim relief is granted.**
(ii) **The respondents are directed to keep one post vacant of Assistant Commissioner, Animal Husbandry in the Open (female) reserved category till next date.**

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted...

Vice Chairman

dnk.

O.A. No.519/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri A. Motlag, Id. counsel holding for
Shri R.V. Shiralkar, Id. counsel for applicant,
Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri
R.M. Fating, Id. counsel for R-3. None for R-4.

2. At the request of learned counsel for
applicant, **S.O. after two weeks.**

Vice Chairman

dnk.

O.A. No.390/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri M.B. Agasti, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. The Id. P.O. seeks time to file written notes of arguments. Time is granted as a last chance. On the next date, the matter will be closed for orders.

S.O. 12/12/2023.

Vice Chairman

dnk.

O.A. No.727/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri C.S. Tamhane, Id. counsel holding
for Shri S.W. Sambre, Id. counsel for applicant
and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. At the request of Id. P.O., **S.O. after
three weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. No.961/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

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

Vice Chairman

dnk.

O.A. No.962/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

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

Vice Chairman

dnk.

O.A. No.383/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Heard Shri G.K. Bhusari, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. At the request of learned counsel for applicant, issue fresh notice to the respondent nos.2 and 3 returnable **after four weeks.** 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 four weeks.

Vice Chairman

dnk.

O.A. No.401/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

2. At the request of Id. P.O., **S.O. three weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. No.537/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

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

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. 03/01/2024.

Vice Chairman

dnk.

O.A. No.1060/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

C.A. 164/2023 -

Heard Shri B.M. Kharkate, Id. counsel for applicant, Shri M.I. Khan, Id. P.O. for respondents and Shri S.N. Gaikwad, Id. counsel for Intervener.

2. As per the submission of learned counsel for intervener, the applicant lodged the complaint against the present applicants (intervener). Therefore, the applicant is suspended. Hence, he wants to intervene in this O.A.

3. This O.A. is filed for revocation of suspension order. The law on this point is very clear. The intervention of applicants is not necessary.

4. In view of above, the C.A. is dismissed. No order as to costs.

O.A. No.1060/2022 –

Heard Shri B.M. Kharkate, Id. counsel for applicant, Shri M.I. Khan, Id. P.O. for respondents and Shri S.N. Gaikwad, Id. counsel for Intervener.

2. The learned counsel for the applicant submits that the charge sheet is served after 90 days.

3. The learned P.O. is directed to get instructions as to whether the charge sheet is served to the applicant or not.

S.O. two weeks.

Vice Chairman

dnk.

C.A. 399/2023 in O.A. No.768/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri N.R. Saboo, Id. counsel for applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

At the request of Id. CPO, **S.O.**
11/12/2023.

Put up along with connected matter.

Vice Chairman

dnk.

O.A. No.767/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri N.R. Saboo, Id. counsel for applicant and Shri S.A. Deo, Id. CPO for respondents.

At the request of Id. CPO, **S.O. 11/12/2023.**

Put up along with connected matter.

Vice Chairman

dnk.

O.A. No.944/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri Sunil Pande, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.As. 1144 & 1146 of 2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri S.J. Kadu, Id. counsel for applicants
and Shri A.M. Khadatkar, Id. P.O for R-1. Await
service of R-2&3.

At the request of Id. counsel for
applicants, **S.O. two weeks** for filing service
affidavit.

Vice Chairman

dnk.

O.A. No.1148/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

N. Pathan, Id. counsel for applicant and
Shri A.M. Khadatkar, Id. P.O. for respondent
no.1. Await service of R-2&3.

S.O. four weeks.

Vice Chairman

dnk.

O.A. No.1182/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri A.Motlag, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

2. The learned counsel for applicant submitted that the respondents are served and service affidavit is already filed in the office.

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

Vice Chairman

dnk.

O.A. No.1208/2023 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 30/11/2023.

C.A. 604/2023 -

Heard Shri Kunal Dhoble, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for State.

2. All applicants are seeking common relief.
3. Looking to the submission, the C.A. is allowed and disposed of.

O.A. No.1208/2023 -

Heard Shri Kunal Dhoble, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for State.

2. 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.

S.O. after four weeks.

Vice Chairman

dnk.

O.A. No.1230/2023 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 30/11/2023.

Heard Shri Kunal Dhoble, Id. counsel for applicants and Shri S.A. Deo, Id. C.P.O. for 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.

S.O. after four weeks.

Vice Chairman

dnk.

O.A. No.904/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

At the request of Id. counsel for applicant, **S.O. 13/12/2023.**

Vice Chairman

dnk.

(S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 30/11/2023.

O.A.Nos.1023/22,1024/22,1049/22,125/23,
836/22,1025/22,74/23,78/23 & 193/23 -

Heard Shri Rohit Joshi / Shri D. Sukhdeo, Id. counsel holding for Shri S.S. Ghate, Id. counsel for applicant/ Shri C. Rathod, Id. counsel holding for Shri S.S. Khadse, Id. counsel for applicants in the respective O.As. Shri S.A. Sainis, Id. P.O. for respondents.

S.O. 11/12/2023 (PH).

Vice Chairman

dnk.

O.A. No.1074/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. No.163/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri A.Motlag, Id. counsel holding for Ms.
N.S. Pathan, Id. counsel for applicant and Shri
M.I. Khan, Id. P.O. for respondents.

At the request of Id. counsel for
applicant, **S.O. 07/12/2023.**

Vice Chairman

dnk.

O.A. No.818/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri S.M. Khan, Id. counsel for applicant,
Shri M.I. Khan, Id. P.O. for R-1 to 3, Shri N.R.
Saboo, Id. counsel for R-4.

At the request of Id. counsel for applicant
and Id. counsel for R-4, **S.O. 12/12/2023.**

Vice Chairman

dnk.

(D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

**O.As. 454,455,456,457,458,459,460,711,841,
875,876,881 & 882 of 2022 -**

Shri Rohit Joshi, Id. counsel for applicants, Shri S.A. Deo, Id. CPO for R-1 to 3 and Shri R.M. Bhangde, Id. counsel for R-4.

2. Shri R.M. Bhangde, Id. counsel for R-4 i.e. National Medical Commission has filed pursis in all the O.As. Same are taken on record.

3. The Id. CPO seeks time to get instruction from the MPSC.

S.O. 20/12/2023.

Vice Chairman

dnk.

O.A.228/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri P.T. Nagdeve, Id. counsel holding
for Shri N.D. Thombre, Id. counsel for applicant
and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. counsel for
applicant, **S.O. four weeks.**

Vice Chairman

dnk.

O.A.1167/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri Samson Stepleson, Id. counsel holding for Shri S.D. Chande, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondent no.1. Await service of R-2.

2. The learned counsel for applicant submits that the respondent no.2 is served and service affidavit is filed in the office.

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

Vice Chairman

dnk.

O.A.1047/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

C.A.No.532/2023 -

Shri A. Motlag, Id. counsel holding for
Shri R.V. Shiralkar, Id. counsel for applicants
and Shri H.K. Pande, Id. P.O. for respondents.

2. The learned counsel for applicants
submits that the applicants were allowed to
appear in the examination / interview and the
results of applicants are kept in the sealed
envelope. The respondents may start the
further procedure of recruitment.

3. The Id. P.O. submits that he has
received parawise reply and it will be filed before
next date.

S.O. 14/12/2023.

Vice Chairman

dnk.

C.A.523/23 in C.A.524/23 in O.A.St.2521/23
(D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri S.N. Gaikwad, Id. counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondent no.1. Await service of R-2&3 in C.A.

At the request of Id. counsel for applicants, **S.O. two weeks** for filing service affidavit.

Vice Chairman

dnk.

C.P. 92/2023 in O.A.No.1126/2022 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri R.M. Fating, Id. counsel for applicant
and Shri S.A. Sainis, Id. P.O. for respondents.

2. The learned P.O. submits that the order
is challenged before the Hon'ble High Court.

S.O. after four weeks.

Vice Chairman

dnk.

C.P. 102/2023 in O.A. 622/2021 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Shri R.D. Hajare, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for State. Await service of R-1 to 4.

2. The learned P.O. has submitted that the respondents have challenged the order of this Tribunal before the Hon'ble High Court.

3. The learned counsel for applicant submits that after 15 months the Writ Petition is filed. There is no stay. Hence, the respondents be directed to comply the order.

4. The Id. P.O. is directed to produce stay order of the Hon'ble High Court on the next date.

S.O. after four weeks.

Steno copy is granted.

Vice Chairman

dnk.

O.A.927/2019 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

2. The applicant has filed pursis dated 06/11/2023. As per the pursis, the applicant is now promoted on the post of Assistant Director Town Planner. As per amendment in O.A., prayer of applicant for claim of promotion is deleted and prayer of deemed date of promotion is to be decided.

3. The Single Bench is having jurisdiction to decide the deemed date of promotion. Hence, this O.A. be kept before Single Bench.

Vice Chairman

dnk.

C.A.629/2023 in O.A.1228/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

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

2. The learned counsel for applicants insists to decide the C.A.

3. The learned P.O. seeks time to file reply.

4. As per the submission of learned counsel for applicants, the DPC meeting is to be held on 04/12/2023 and the respondents may not promote the applicants.

5. The learned P.O. Shri M.I. Khan submits that the similar matters are filed before the M.A.T., Principal Bench, Mumbai and that matters are fixed on 07/12/2023.

6. The learned counsel for applicants submits that the DPC is to be held on 04/12/2023.

7. If this Tribunal comes to the conclusion that the applicants are entitled for promotion that can be granted even after the decision of the DPC and therefore no prejudice will cause to the applicants.

S.O. 14/12/2023.

Vice Chairman

dnk.

O.A.1253/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

Heard A.D. Warjekar, Id. counsel for applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has prayed for direction to respondent, the Zilla Parishad not to take coercive action to terminate the applicant.

3. The learned CPO has pointed out the Section 15 of the Administrative Tribunals Act, 1985 and submitted that the Zilla Parishad is the local body and no any notification is issued by the Government of Maharashtra to confer the jurisdiction of this Tribunal.

4. The learned CPO has pointed out the Judgment in O.A.No.419/2017 of Principal Bench, M.A.T., Mumbai and in para no.13 following observation has been made –

“It is thus explicit that the employees of Z.P. are not the employees of State Government and in absence of notification under Section 15 (2) of the Administrative Tribunals, Act, 1985, the Tribunal has no jurisdiction to entertain such dispute. The jurisdiction vests to the Tribunal only where there is a decision of State

Government in the form of Notification to confer such jurisdiction to the Tribunal. In other words, issuance of notification under Section 15 (2) of Administrative Tribunals Act,1985 is condition precedent for the applicability of sub section 3 of section 15 in the matter of service disputes of employees of local authorities.”

5. The applicant is claiming relief against the Zilla Parishad. Hence, the O.A. is not tenable. Therefore the O.A. is disposed of. In the meanwhile, the applicant is at liberty to challenge the order of respondents before the appropriate forum.

Vice Chairman

dnk.

O.A. No.1237/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

ORDER

Heard Shri A.C. Dharmadhikari, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. The learned counsel for the applicant has pointed out the transfer order dated 03/11/2023. As per his submission, the applicant was transferred in Gadchiroli District in the year 2019. He has completed normal tenure for transfer. As per the G.R. dated 06/08/2002, the applicant had given three districts of choice posting i.e. Nagpur (Rural), Chandrapur and Nashik.

3. As per the submission of learned counsel for the applicant, the wife of applicant is also working in the RTO department in Gadchiroli District.

4. The learned counsel for applicant has submitted that the transfer is a mid-term transfer. The respondents have not considered the choices given by the applicant dated 08/11/2023.

5. As per the G.R. dated 06/08/2002, the employees who have completed normal tenure of two years in the naxalite area, they are entitled for choice posting.

6. The learned CPO submits that the applicant was due for transfer, therefore, he is transferred.

7. The learned counsel for applicant and learned CPO submit that the applicant has already joined at Jalgaon.

8. The learned counsel for applicant has submitted that the applicant will make representation and that can be considered by the respondents. The applicant is at liberty to make representation. If he makes any representation, the respondents shall decide the same within a period of six weeks from the date of representation of the applicant.

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

S.O. after six weeks.

Vice Chairman

dnk.

O.A. No.1250/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 30/11/2023.

ORDER

Heard Shri A.C. Dharmadhikari, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. As per the submission of learned counsel for the applicant, the applicant is transferred from Yavatmal to Parbhani. His wife Kavita Madhukar More is working at Nashik and therefore the learned counsel for applicant submits that as per the policy of Government to post husband and wife together as per the G.R. dated 27/11/1997, the applicant be posted at Nashik or nearby Nashik.

3. As per the submission of learned CPO, the applicant is already relieved on 24/11/2023.

4. The applicant is at liberty to make representation. If he makes any representation, the respondents shall decide the same within a period of six weeks from the date of representation of the applicant.

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

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.

S.O. after six weeks.

Vice Chairman

dnk.

O.A. No.803/2023 (S.B.)

(Dr. Makarand V. Khubalkar Vs. State of Maharashtra & Ors.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 30/11/2023.

ORDER

Heard Shri P.S. Khubalkar, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the respondents.

2. During the course of submission, the learned CPO has filed the order dated 08/11/2023. It is taken on record and marked Exh-X for identification.

3. This O.A. was filed challenging the transfer order dated 13/07/2023 by which the applicant was transferred from Govt. Medical College, Akola to Govt. Medical College, Chatrapati Sambhaji Nagar. Before the transfer order, the applicant had applied for Voluntary retirement (V.Rs.) as per his application dated 03/03/2023.

4. During the pendency of this O.A., the transfer order was stayed. The applicant has amended the O.A. and prayed for direction to the respondents to accept his V.Rs. application dated 03/03/2023.

5. As per the order dated 08/11/2023, the application for V.Rs. is accepted by the Government of Maharashtra w.e.f. 08/11/2023. Therefore, nothing survives in this O.A. Hence, the following order –

ORDER

(i) The O.A. is disposed of.

(ii) The respondents are directed to pay the pension and pensionary benefits to the applicant within a period of two months from the date of receipt of this order.

(iii) No order as to costs.

Vice Chairman

dnk.***

O.A.No.115/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

C.A.No.410/2021

Shri G.G.Bade, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents 1 to
4. None for the respondent no.5.

2. Reply of respondents 1 to 4 filed by learned
P.O. is taken on record. The O.A. is **admitted** and
kept for hearing.

3. **S.O. three weeks.**

Member(J)

rsm.

O.A.No.40/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

C.A.No.61/2022

Shri G.G.Bade, ld. Counsel for the applicant
and Shri A.P.Potnis, ld. P.O. for the respondents.

2. C.A. for Jt. O.A. is allowed and disposed of.

3. **S.O. three weeks.**

Member(J)

rsm.

O.A.No.53/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

None for the applicant. Shri A.P.Potnis, ld.
P.O. for the respondents. Await service of
respondents 2 to 8.

2. **S.O. three weeks.**

Member(J)

rsm.

O.A.No.113/2022 with
O.A.No.114/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri M.L.Vairagade, Id. Counsel for the applicants and Shri V.A.Kulkarni, Id. P.O. for the respondents.

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

Member(J)

rsm.

O.A.No.116/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri S.M.Bhagde, Id. Counsel for the applicant
and Shri A.P.Potnis, Id. P.O. for the respondents.

2. Reply of respondents 3 to 5 filed by learned
P.O. is taken on record. It is stated to be sufficient.
The O.A. is **admitted** and kept for final hearing.

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

Member(J)

rsm.

O.A.No.355/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri A.P.Potnis, ld. P.O. for the respondents.

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

Member(J)

rsm.

O.A.No.356/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri A.P.Potnis, ld. P.O. for the respondents.

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

Member(J)

rsm.

O.A.No.353/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

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

2. Reply of respondent no.3 filed by learned
P.O. is taken on record. It is stated to be sufficient.
The O.A. is **admitted** and kept for final hearing.

3. **S.O. after winter vacation.**

Member(J)

rsm.

O.A.No.497/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Reply of respondents 2 and 3 filed by
learned P.O. is taken on record. It is stated to be
sufficient. The O.A. is **admitted** and kept for final
hearing.

3. **S.O. after winter vacation.**

Member(J)

rsm.

O.A.No.526/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri R.M.Fating, ld. Counsel for the applicant,
Shri V.A.Kulkarni, ld. P.O. for the respondents 1 & 2
and Shri A.Deshpande, ld. counsel for the respondent
no.3.

2. Learned P.O. seeks time of two weeks to file
reply of respondent no.1 is necessary.

3. Objection is waived.

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

Member(J)

rsm.

O.A.No.579/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri R.M.Fating, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

2. Reply of respondent no.2 filed by learned
P.O. is taken on record. It is stated to be sufficient.
The O.A. is **admitted** and kept for final hearing.

3. Learned P.O. waives notice for the
respondents.

4. **S.O. after winter vacation.**

Member(J)

rsm.

O.A.No.621/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

rsm.

O.A.No.625/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

rsm.

O.A.No.886/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Heard Shri D.S.Sawarkar, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Learned counsel for the applicant has placed on record copy of the Judgment and order dated 02.08.2023 passed by this Bench in a group of O.As. to contend that this Bench has jurisdiction to entertain the O.A..

3. It is submitted by learned counsel for the applicant that matters involving exactly identical issue and the same department have been decided by other Bench presided over by the Hon'ble Vice Chairman Justice M.G.Giratkar and, hence this O.A. be placed before the said Bench. The O.A. be placed before the said Bench.

3. Learned P.O. seeks time to file reply.

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

5. **Steno copy is granted.**

Member(J)

rsm.

O.A.No.940/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Mrs.K.N.Saboo, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents 1 to 3 and Shri N.D.Thombre, Id. counsel for the respondent no.4.

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

Member(J)

rsm.

O.A.No.955/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri A.P.Sadavarte, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. four weeks for filing reply.**

Member(J)

rsm.

O.A.No.1070/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

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

2. On oral request of learned P.O., **S.O. four weeks for filing reply.**

Member(J)

rsm.

O.A.No.1131/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri I.N.Choudhari, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents. Await service of respondent no.2.

2. On oral request of learned P.O., **S.O. two weeks.**

Member(J)

rsm.

O.A.No.961/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri N.D.Thombre, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **Closed for Orders.**

Member(J)

rsm.

O.A.No.502/2017 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

2. **S.O. four weeks.**

Member(J)

rsm.

O.A.No.615/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Ms.Gosavi holding for Shri G.N.Khazode, ld.
Counsel for the applicant and Shri H.K.Pande, ld. P.O.
for the respondents.

2. On oral request of learned counsel for the
applicant, **S.O. two weeks.**

Member(J)

rsm.

O.A.No.624/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri P.S.Verma, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

2. On oral request of learned counsel for the
applicant, **S.O. three weeks.**

Member(J)

rsm.

O.A.No.692/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri A.P.Sadavarte, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Learned P.O. submits that appointment is already given to the applicant on compassionate ground.

3. Learned counsel for the applicant seeks time of two weeks to get this fact confirmed from the applicant.

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

Member(J)

rsm.

O.A.No.870/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.G.Bade, ld. Counsel for the applicant
and Shri H.K.Pande, ld. P.O. for the respondents.

2. **S.O. four weeks.**

Member(J)

rsm.

O.A.No.1215/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Adv.A.Singh, ld. Counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of learned counsel for the
applicant, **S.O. four weeks.**

Member(J)

rsm.

O.A.No.112/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Ms. Gosavi holding for Shri G.N.Khazode, ld.
Counsel for the applicant and Shri H.K.Pande, ld. P.O.
for the respondents.

2. On oral request of learned counsel for the
applicant, **S.O. 04.12.2023.**

Member(J)

rsm.

O.A.No.215/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri G.S.Shegaonkar, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Learned P.O. seeks time of two weeks to get information as to whether criminal case is filed /pending against the applicant on allegation of rash/negligence driving.

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

Member(J)

rsm.

O.A.No.342/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri I.G.Meshram, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. 01.12.2023.**

Member(J)

rsm.

O.A.No.619/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Heard Shri M.K.Mishra, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Learned counsel for the applicant has placed on record copies of Judgments of this Tribunal as well as the Hon'ble Bombay High Court in support of his case. **The O.A. is heard finally closed for orders.**

Member(J)

rsm.

O.A.No.867/2023 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

Shri I.G.Meshram holding for Shri
S.A.Marathe, ld. Counsel for the applicant and Shri
M.I.Khan, ld. P.O. for the respondents.

2. **S.O. 01.12.2023.**

Member(J)

rsm.

O.A.No.117/2021 with
O.A.No.118/2021 with
O.A.No.119/2021 with
O.A.No.361/2021 with
O.A.No.342/2020 with
O.A.No.346/2020 with
O.A.No.347/2020 with
O.A.No.348/2020 with
O.A.No.349/2020 with
O.A.No.350/2020 with
O.A.No.351/2020 with
O.A.No.352/2020 with
O.A.No.353/2020 with
O.A.No.368/2020 with
O.A.No.427/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 30/11/2023.

None for the applicants. Shri H.K.Pande, ld.
P.O. for the respondents.

2. Learned P.O. submits that the issue involved
in this group of matters is pending before Division
Bench of this Tribunal at Aurangabad Bench.

3. **S.O. after winter vacation.**

Member(J)

rsm.

