

O.A.216/2018 (S.B.)

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

Dated : 04/05/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Learned P.O. has filed reply of respondents 1 to 4. It is taken on record. The O.A. is **admitted** and kept for final hearing.

3. Learned P.O. waive notices for the respondents.

4. **In due course.**

Vice Chairman

rsm.

O.A.565/2021 (S.B.)

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

Dated : 04/05/2023.

Heard Shri R.V.Shiralkar, holding for Shri V.B.Bhise, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Learned P.O. has filed reply of respondent no.2. It is taken on record. It is sufficient. The O.A. is **admitted** and kept for final hearing.

3. **S.O.13.06.2023.**

Vice Chairman

rsm.

O.A.558/2022 (S.B.)

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

Dated : 04/05/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 14.06.2023**
for filing reply.

Vice Chairman

rsm.

O.A.1111/2022 (S.B.)

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

Dated : 04/05/2023.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 13.06.2023**
for filing reply.

Vice Chairman

rsm.

O.A.1157/2022 (S.B.)

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

Dated : 04/05/2023.

None for the applicant. Heard Shri A.M.Ghogre, ld. P.O. for the respondents.

2. As per the submission of learned P.O., the applicant is likely to be retired from Zilla Parishad and therefore, Zilla Parishad is a necessary party. The applicant is directed to make necessary amendment if, he desires.

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

Vice Chairman

rsm.

O.A.1254/2022 (S.B.)

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

Dated : 04/05/2023.

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

2. As per the submission of learned counsel for the applicant, the applicant has given notice for voluntary retirement on 22.08.2022. The respondents have not refused or accepted the same. The learned counsel for the applicant has pointed out Rule 66 of the Maharashtra Civil Services (Pension), Pension Rules 1982.

3. The learned P.O. seeks time to get instructions / reply from the respondents.

4. The Rule 66 of the Pension Rule is very clear. It is reproduced as under-

66. Retirement on completion of 20 years qualifying service

(1) At any time after a Government servant has completed twenty years qualifying service, he may, by giving notice of three months in writing to the appointing authority, retire from service.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority: Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

5. The learned P.O. is directed to get the instructions from the respondents as to why the respondents have not complied the Rule 66(2) of the Pension

Rules and submit before this Tribunal positively on the next date. If on the next date respondents failed to file reply, matter will be decided on merit.

6. **S.O. 07.06.2023.**

Steno copy is granted.

Vice Chairman

rsm.

O.A.84/2023 (S.B.)

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

Dated : 04/05/2023.

None for the applicant. Heard Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after vacation for filing reply.**

Vice Chairman

rsm.

O.A.90/2023 (S.B.)

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

Dated : 04/05/2023.

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

2. At the request of Id. P.O., **S.O. after vacation for filing reply.**

Vice Chairman

rsm.

O.A.111/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri A.P.Kalmegh, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after vacation for filing reply.**

Vice Chairman

rsm.

O.A.376/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri V.B.Gawali, holding for Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. Await service to respondents 2 and 3.

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

Vice Chairman

rsm.

O.A.683/2020 (S.B.)

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

Dated : 04/05/2023.

Heard Shri V.B.Gawali, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. The learned counsel for the applicant has filed pursis along with documents. It is marked Exhibit-X for identification. Copy is supplied to the P.O.

3. **S.O. 13.06.2023.**

Vice Chairman

rsm.

O.A.832/2016 (S.B.)

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

Dated : 04/05/2023.

Heard Shri A.Joshi, holding for Shri S.S.Ghate, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Learned counsel for the applicant has filed pursis. It is marked Exhibit-X for identification. As per the pursis the relief sought in the present O.A. is redressed. Therefore, the applicant does not want to proceed further. In view of the above nothing survives in this O.A. **Hence, the O.A. is disposed of as withdrawn.**

Vice Chairman

rsm.

O.A.575/2022 with C.A.No.503/2022 (S.B.)

(Videsh Kumar Galgat Vs. The State of Maharashtra & Others)

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

Dated : 04/05/2023.

Heard Shri A.C.Dharmadhikari, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents 1 to 6. None for the respondent no.7.

2. On last date learned P.O. was directed to produce material documents. Matter was part heard. Reply is not filed on C.A. From the perusal of C.A. the simple prayer in the C.A. is that to direct the respondents to consider his application dated 07.09.2022 submitted by the applicant.

3. The applicant has amended the O.A. in para 9(ia) and prayed for direction to post the applicant either on the vacant post of Range Forest Officer, Shivani Buffer or North Bramhapuri (Regional).

4. During the course of submission, learned counsel for the applicant has submitted that the post at Moharli is already filled. One post at Bramhapuri is now vacant. The respondent/authority may give the posting to the applicant at Bramhapuri.

5. Learned counsel for the applicant has submitted that the applicant has been posted in Social Forestry Department, but posting was not given as per choice given by the applicant. Learned counsel for the applicant has pointed out page no. 87 and submitted that the respondent/ authority proposed to transfer the applicant at Bramhapuri.

6. If the direction is given to the respondents to consider the application of applicant dated 07.09.2022, no prejudice will cause to the respondent / authority.

7. In view of the submission, the O.A. is partly allowed. Respondents/authority are directed to consider the representation of the applicant. The respondents/authority may consider if the post is available at Bramhapuri. The respondent/authority is at liberty to take decision as per

their availability and suitability of the post. The respondents/authority may consider the request of the applicant for transfer in the coming general transfer of the year 2023, as per the Rules. The O.A. is disposed of.

Vice Chairman

rsm.

O.A.201/2022 (S.B.)

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

Dated : 04/05/2023.

Heard Shri A.P.Gajbhiye, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 06.06.2023.**

Vice Chairman

rsm.

O.A.1138/2022 (S.B.)

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

Dated : 04/05/2023.

Heard Mrs.S.A.Chaware, holding for Shri A.Chaware, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Learned P.O. has filed reply of respondent no.4. It is taken on record. Copy is served to the applicant.

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

Vice Chairman

rsm.

O.A. No.438/2023 (S.B.)

(Nalini Vilasrao Dhande Vs. State of Maharashtra and ors.)

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

Dated : 04/05/2023.

ORDER

Heard Shri G.G. Bade, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the State.

2. At the request of learned counsel for the applicant, the matter is taken on today's board.

3. The learned counsel for the applicant has submitted that the applicant is a Cancer Patient and she is transferred from Amravati to Paratwada. As per his submission, the post at Amravati is vacant.

4. The learned counsel for applicant has pointed out the G.R. dated 09/04/2018. He has pointed out the Appendix-1, Clause (3) which is reproduced as under –

“जे शासकाय कमचारां स्वतः ककरोगाने (कॅन्सर) आजारो / पक्षाघाताने आजारो / । मूर्त्रापिंड रोपण शस्त्रक्रिया किंवा डायलिसिस सुरु असलेले / ब्रेन ट्युमर किंवा मदुवरोल शस्त्रक्रिया / निश्चेतनावस्था (कोमा) / मनोविकृतीने ग्रस्त / हृदयरोगाने आजारो आहेत अशा शासकाय कमचाऱ्यांना वरोल आजाराबाबत औषधोपचार चालू असल्याबाबतचे वैद्यकाय प्रमाणपत्र ३० एप्रिल पूर्वा बदलो प्राधिकार्याकडे सादर केल्यास त्यांची प्रशासकाय सोयीनुसार व पद उपलब्धतेनुसार त्यांच्या सोयीच्या ठिकाणी बदलो करण्यात यावी.”

5. There is no dispute that the applicant has completed normal tenure for transfer. The applicant has not applied before the transfer. The requirement given in the Appendix-1, Clause (3) of the G.R. dated 09/04/2018 is that the Cancer patient, who is getting regular treatment, shall apply to the Transferring Authority before 30th April by praying for transfer as per the choice.

6. From the perusal of the application / representation of applicant, it is dated 02/05/2023. The transfer order is dated 26/04/2023. The applicant when came to know that she is transferred from Amravati to Paratwada, she applied on 02/05/2023. Therefore, the guideline given in the G.R. dated 09/04/2018 in Appendix-1, Clause (3) is not applicable to the applicant. The applicant has already completed normal tenure. Hence, the transfer order

cannot be said to be illegal. Hence, interim relief cannot be granted. In the meanwhile, the respondents may consider applicant's grievances as per her application / representation dated 02/05/2023.

7. Issue notice to the respondents returnable **15/06/2023**. Learned 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. 15/06/2023.

Vice Chairman

dnk.

(D.B.)

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

Dated : 04/05/2023.

C.A. Nos. 232/2023 & 246/2022 in O.A.
665/2022-

Shri G.K. Bhusari, Id. counsel holding for
Shri S.N. Gaikwad, learned counsel for the
applicant and Shri A.M. Ghogre, learned P.O. for
the respondents.

2. At the request of Id. P.O., **S.O.**
12/06/2023 for filing reply on C.A.

Vice Chairman

dnk.

Cont. Pet.13/2023 in O.A.896/2021 (D.B.)

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

Dated : 04/05/2023.

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

2. The learned P.O. has pointed out the communications dated 03/03/2023 and 30/01/2023. Both are filed on record and commonly marked as Exh-X for identification.

3. As per these communications, the respondents wanted to consider the request for transfer of the applicant in the coming general transfers of the year 2023.

4. This is a Contempt Petition. As per the order of this Tribunal, the respondents were directed to consider the representation of the applicant if the post is vacant for posting as per his request within one month from the date of submission of his representation. The applicant has submitted representation dated 12/07/2022.

5. The respondents are directed to comply the order in O.A. No. 896/2021 before the next date.

S.O. 12/06/2023.

Vice Chairman

dnk.

O.A.No.420/2023 (D.B.)

(Abhimanyu R. Takale Vs. State of Maharashtra & Ors.)

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

Dated : 04/05/2023.

ORDER

Heard Shri S.A. Marathe, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

2. The learned counsel for the applicant is relying on the Govt. G.R. dated 30/04/2010 and submitted that the applicant cannot be retired on completion of age of 58 years.

3. The learned P.O. has submitted that the Govt. G.R. dated 30/04/2010 is not applicable to the applicant. The learned P.O. has pointed out the letter issued by the Additional Secretary, Government of Maharashtra, dated 26/03/2012. The material portion of the letter is reproduced as below –

“संदर्भाधीन पत्राचे अनुषंगाने कळविण्यात येते की, दिनांक ३०.४.२०१० च्या शासन निणयानुसार शासकीय वैद्यकीय, दंत व आयुवद महाविद्यालयातील अधिष्ठाता व अध्यापकांच्या नियतवयोमान सेवानिवृत्तीचे वय ५८ वर्षावरून ६२ वर्ष करण्याचा निणय शासनाने घेतलेला असला तरी, तो फक्त संचालक, अधिष्ठाता, शासकीय वैद्यकीय, दंत व आयुवद महाविद्यालयातील प्राध्यापक, सहयोगी प्राध्यापक व अधिव्याख्याता या वैद्यकीय अहलाधारकांप्रताच मर्यादित असल्याचे दिनांक १७.६.२०१० च्या पूरकपत्रान्वये स्पष्ट करण्यात आलेले आहे.

शासकीय वैद्यकीय महाविद्यालयातील वैद्यकीय अहलाधारकांच्या कमतरतेच्या पाश्वर्भूमीवर विद्यार्थीहित व रुग्णसेवेवर प्रतिकूल परिणाम होऊ नये म्हणून मंत्रीमंडळाच्या मान्यतेनंतर हा निणय घेण्यात आलेला आहे. तो सरसकट राज्यातील सर्वच अध्यापकांना लागू नाही. शासकीय वैद्यकीय, दंत व आयुवद महाविद्यालयातील वैद्यकीय अहलाधारक (एमडी/एमएस / एमएससी पीएचडी) अध्यापकांवर्यतिरिक्त इतर अध्यापकांनाही म्हणजेच फिजिकल इन्स्ट्रक्टर वा तत्सम अध्यापकांनाही हा निणय लागू नाही. असे अध्यापक वयाची ५८ वर्ष पूर्ण झाल्यानंतर नियत वयोमानानुसार सेवानिवृत्त होतील. त्यामुळे राज्यातील इतर प्रकारच्या अधिष्ठाता, सहाय्यक अधिष्ठाता, सहाय्यक प्राध्यापक व भौतिकोपचार तज्ञ व व्यवसायोपचार तज्ञ अशा प्रकारच्या पदांना हा निणय लागू नाही. हा बाब अत्यंत स्वयंस्पष्ट आहे. त्यामुळे आपण केलेली विनंती अमान्य करण्यात येत आहे.”

4. The learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.2230/2018, dated 01/04/2019. After this Judgment, another G.Rs. are issued by the Government. In O.A.No.335/2023

this Tribunal has passed the following order. The relevant para-3 is reproduced as below—

“3. The learned C.P.O. Shri S.A. Deo has pointed out the same notification. In the last para it is mentioned as under-

Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group- A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided also that, the above provisos shall be in force till the 31st May 2023.

4. The notification dated 23.02.2022 show that the same is in force till 31.05.2023. The applicant has been completing 58 years on 31.05.2023. Therefore, the retirement of the applicant can only be extended upto 31.05.2023. In view of the G.R. the O.A. is disposed of with direction to the respondents to continue the service of the applicant till 31.05.2023 as per notification.”

5. No prejudice will cause to the applicant, if he is retired at the age of 58 years, he will get all the pensionary benefits. Hence, he is not entitled for any interim relief.

6. Issue notice to the respondents returnable **15/06/2023**. Learned P.O. waives notice for State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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. 15/06/2023.

Vice Chairman

dnk.

O.A.264/2023 (D.B.)

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

Dated : 04/05/2023.

C.A.No.241/2022

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

2. As per this C.A., the grievance of the applicant is now redressed and the applicant do not want to proceed further. Hence, C.A. is allowed and O.A. is disposed of as withdrawn.

Vice Chairman

rsm.

C.P.43/2023 in O.A.559/2021 (D.B.)

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

Dated : 04/05/2023.

Heard Shri Y.Y.Humne, ld. counsel for the applicant and Shri A,M.Ghogre, ld. P.O. for the State.

2. Respondents are directed to comply the order in O.A.No.559/2021.

3. Issue Notice to the respondents returnable in **on 20.06.2023** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

4. The learned P.O. waives notice for State. Hamdast granted.

5. **S.O. 20.06.2023.**

Vice Chairman

rsm.

O.A.No. 328/2023 (D.B.)

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

Dated : 04/05/2023.

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

2. The matter is taken on today's board.

3. The Id. counsel for applicant has filed today the application dated 04/05/2023 in which he prayed as under –

“(a) To modify the order dated 02/05/2023 by granting the applicants the liberty to amend the original application to the extent of removing the names of the few of the applicants.”

4. In view of above, in the order dated 02/05/2023, the following portion is added –

“(3) The applicants are at liberty to amend the original application to the extent of removing the names of the few of the applicants.”

Vice Chairman

dnk.

O.A.No.66/2019 (S.B.)

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

Dated : 04/05/2023.

Heard Ms. A.Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of June, 2023.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.172/2019 (S.B.)

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

Dated : 04/05/2023.

Heard Shri R.M.Fating holding for Shri S.B.Tiwari, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of June, 2023.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.346/2019 (S.B.)

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

Dated : 04/05/2023.

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

2. The Id. P.O. has filed reply on behalf of the respondents 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. last week of June, 2023.**

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

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.616/2020 (S.B.)

A.W.Sawarkar Vs. State of Mah. 3 Ors.

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

Dated : 04/05/2023.

Heard Shri R.M.Tiwari, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. Ld. Counsel for the applicant makes a statement that the applicant is dead and none of his legal heirs have come forward. Hence, the **O.A. is disposed of with no order as to costs.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.295/2021 (S.B.)

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

Dated : 04/05/2023.

Heard Shri P.P.Khparde, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the State. Await service of R-2 & 3.

2. On oral request of ld. Counsel for the applicant, **S.O. 03rd Week of June, 2023 for filing service affidavit.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.Nos.529&531/2021 (S.B.)

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

Dated : 04/05/2023.

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

2. On oral request of Id. P.O., **S.O. after
summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.610/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 04/05/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondents 1 & 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. last week of June, 2023.**

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

7. **Interim order passed on 02.08.2021 which is subsisting till today is extended till final disposal of the original application.**

Member (J)

Date:- 04/05/2023.
aps.

O.A.No.860/2021 (S.B.)

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

Dated : 04/05/2023.

Heard Shri P.V.Thakre, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. Ld. P.O. seeks time. Time is granted till 12.06.2023. In case reply is not file on the returnable date, O.A. shall be heard without reply of the respondents.

3. **S.O. 12.06.2023.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.381/2022 (S.B.)

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

Dated : 04/05/2023.

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

2. On oral request of Id. P.O., **S.O. after
summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.645/2022 (S.B.)

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

Dated : 04/05/2023.

None for the applicant. Shri H.K.Pande, Id.
P.O. for the State. Await service of R-2 to 4.

2. **S.O. after summer vacation to file service affidavit.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.908/2020 (S.B.)

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

Dated : 04/05/2023.

Heard Shri P.P.Khparde, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondents 1, 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 03rd Week of June, 2023.**

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

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.568/2021 (S.B.)

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

Dated : 04/05/2023.

Heard Shri P.P.Khaparde, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the State. C.F. applicant has not collected hamdast for R-2 to 6.

2. On oral request of ld. Counsel for the applicant, **S.O. after summer vacation to file service affidavit.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.858/2022 (S.B.)

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

Dated : 04/05/2023.

Heard Shri B.M.Lonare, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. On oral request of Id. P.O., **S.O. 13.06.2023 as a last chance to file reply.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.1170/2022 (S.B.)

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

Dated : 04/05/2023.

Heard Ms. A.Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd week of June, 2023 for reply.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.1217/2022 (S.B.)

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

Dated : 04/05/2023.

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

2. On oral request of ld. P.O., **S.O. after
summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.03/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Ms. A.Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri , ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. after summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.35/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Ms. A.Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. after summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.43/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 04/05/2023.

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

2. On oral request of ld. P.O., **S.O. after
summer vacation.**

Member (J)

Date:- 04/05/2023.
aps.

O.A.No.55/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 04/05/2023.

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

2. The Id. P.O. has filed reply on behalf of the respondents 1 & 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 20.06.2023.**

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

Member (J)

Date:- 04/05/2023.
aps.

O.A.No.194/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. Ld. P.O. submits that parawise comments are received and reply will be filed within two weeks. At his request, **S.O. 05.06.2023.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.Nos.315,316&318/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 14.06.2023 for reply.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.09/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri P.P.Khaparde, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. after summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.151/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 04/05/2023.

Heard Ms. A.Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant, Shri H.K.Pande, ld. P.O. for the Respondents and Shri R.V.Shiralkar, ld. Counsel for the R-3.

2. On oral request of ld. Counsel for the applicant, **S.O. after summer vacation.**

Member (J)

Date:- 04/05/2023.
aps.

O.A.No.428/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri R.M.Fating, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

2. The impugned communication dated 02.08.2022 is at A-22. It states that while extending benefits of first time bound promotion to the applicant on 01.07.1995 his period of services rendered by him as Technical Assistant was wrongly taken into account. It is further stated that the benefits of first time bound promotion ought to have been extended w.e.f. 01.01.2001 and benefits of the second time bound promotion could have been extended from 01.01.2013 but the applicant retired prior to this date i.e. 28.02.2010.

3. The applicant has placed on record at A-25 recent communication dated 10.04.2023 by which proposal is forwarded to respondent no. 2 to carry out revision as per the impugned order.

4. It is the submission of the applicant that such unilateral revision is arbitrary and if it is allowed to be carried into effect his pension would be drastically reduced.

5. In reply it is submitted by ld. P.O. that in the facts and circumstances of the case question of staying recovery of amount paid in excess would not arise.

6. On considering rival submissions I have come to the conclusion that following interim order is required to be passed. The respondents shall not take any steps pursuant to the direction contained in

the impugned communication dated 02.08.2022 at A-22, till returnable date.

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

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

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

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

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

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

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

Member (J)

Date:- 04/05/2023.

O.A.No.426/2023 (S.B.)

Ms.M.V.Ilmulwar Vs. State of Mah. & 3 Ors.

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

Dated : 04/05/2023.

Heard Shri S.C.Deshmukh, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

2. The impugned order of transfer/absorption dated 20.02.2023 is at A-1. The consequential order under which the applicant has been relieved is dated 21.02.2023. It is at A-2.

3. It is the submission of the applicant that she is a Class-III employee and she can be absorbed on any of the posts which are vacant in Chandrapur District itself. Chart of vacant posts in Chandrapur is at P. 17 (A-4).

4. The applicant has made representations dated 24.02.2023 and 27.02.2023 (A-10 & A-9, respectively). It is submitted that if the authorities are directed to decide the same before conclusion of process of ensuing Annual General Transfers, the applicant could be accommodated at a suitable place.

5. In prayer clause (ii) the applicant has prayed that the respondents be directed to consider request for absorption as per Circular dated 19.05.2022.

6. According to the ld. Counsel for the applicant, applicant's husband has recently met with an accident, her father-in-law is suffering from Liver problem and her child is barely one year old.

7. Considering all these circumstances following order shall meet ends of justice.

ORDER

- A.** Respondents 2 & 3 shall decide the representations made to them by the applicant before the process of ensuing Annual General Transfers is concluded.
- B.** The respondents are directed to consider request of the applicant as per Circular dated 19.05.2022 for the purpose of posting her at any suitable place in Chandrapur District which are mentioned in prayer clause (ii) of the O.A..
- C.** Till the representations are decided one of the posts mentioned in prayer clause (ii) shall be kept vacant provided there is such vacancy as on today.
- D.** With these directions, **O.A. is disposed of with no order as to costs.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.414/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

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

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Date:- 04/05/2023.
aps.

Member (J)

O.A.No.423/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

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

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Date:- 04/05/2023.
aps.

Member (J)

O.A.No.432/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri M.R.Khan, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

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

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Date:- 04/05/2023.
aps.

Member (J)

O.A.No.433/2023 (S.B.)

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

Dated : 04/05/2023.

Heard Shri M.R.Khan, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State.

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

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Date:- 04/05/2023.
aps.

Member (J)

O.A.No.228/2016 (S.B.)

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

Dated : 04/05/2023.

Heard Ms. A.Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents. None for the R-3.

2. On oral request of ld. Counsel for the applicant, **S.O. after summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.320/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 04/05/2023.

Heard Shri S.S.Bhalerao, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 13.06.2023.**

Member (J)

Date:- 04/05/2023.
aps.

O.A.No.687/2019 (S.B.)

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

Dated : 04/05/2023.

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

2. On oral request of ld. P.O., **S.O. after
summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.809/2019 (S.B.)

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

Dated : 04/05/2023.

Heard Shri B.Kulkarni, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. Ld. Counsel for the applicant submits that this O.A. is connected with O.A.No.1196/2022 but the later O.A. has not come up on today's board. Both the matter be kept on the same date.

3. **S.O. after summer vacation.**

Member (J)

Date:- 04/05/2023.

aps.

O.A.No.848/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 04/05/2023.

Heard Shri S.A.Marathe, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 08.06.2023.**

Date:- 04/05/2023.
aps.

Member (J)