

O.A. 659/2021 (S.B.)

(V.R. Awasthi Vs. State of Mah.)

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

Dated : 03/11/2021.

C.A. No. 356/2021 in 659/2021 -

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M .Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. files today reply of R-2 on O.A. It is taken on record and copy is supplied to the Id .counsel for the applicant.

3. Today, the Id. counsel for the applicant has filed C.A. No. 356/2021 and along with that he has filed representation dated 20/10/2021 (A-II,P-6). However, the matter was previously heard on 11/8/2021 in the forenoon and transfer order dated 9/8/2021 was stayed to extent of applicant and the respondents were directed to file copy of minutes of meeting of C.S.B. Today, R-2 has filed reply on O.A. and along with reply they have attached letter dated 12/8/2021 (P-5) of reply. In this letter by their own admission in para-3, Shri S.L. Nandeshwar (R/3) is permitted to join on 12/8/2021 F.N. By this behaviour the respondent no.2, has clearly shown that he is liable to be prosecuted for contempt of court proceeding, because, he has tried to circumvent the order passed by this Tribunal on 11/8/2021 forenoon. When the applicant's transfer order dated 9/8/2021 was stayed it was implied that this post cannot be occupied by two persons and when the applicant is entitled to be continued on that post, how other person can be allowed to join on 12/8/2021 F.N. on the same post. It is clear that the respondent no.2 has tried to circumvent the Tribunal's order and is trying to mislead the judicial system. He should take necessary action at his level and ensure that the applicant continues to the post as per order dated 11/8/2021 and decide the fate of respondent no.3 as he desires.

4. If the respondent no.2 fails to act according to the order of this Tribunal, on the next date of hearing, the matter will be referred to his superiors and to the Government for trying to circumvent

the Tribunal's order. The respondent no.2 is directed to take necessary action within one week and file on record action taken report.

5. The respondent no.2 is also made clear that till compliance of the order till joining of the applicant, his period will be treated as compulsory waiting period and payment of said period will be recovered from the salary of respondent no.2 and not by Government Treasury and paid to the applicant. This order be communicated to the Finance Secretary of State of Maharashtra and also to the Secretary of Forest Department of Government of Maharashtra.

5. The C.A. will be decided on the next date.

S.O. 15/11/2021 (P.H.)

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 831/2021 (S.B.)

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

Dated : 03/11/2021.

C.A. No. 352/2021 -

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

2. Today, the Id. P.O. has filed correspondence dated 28/10/2021 by the Department of Higher Technical Education. It is taken on record and marked Exh.-X and copy is supplied to the Id. counsel for the applicant. By this letter, it appears that the respondents are considering the grievance of the applicant as per G.R. dated 27/11/1997 and provision made in para-11(1) which was mentioned in order dated 22/9/2021 by this Tribunal. However, as requested by the Id P.O., two months' time cannot be accepted by this Bench and the necessary decision should be taken within 45 days and communicate to the applicant as well as the Tribunal through the Id. P.O.

3. The Id. counsel has filed C.A. 352/2021 and submitted that there are two vacant posts at Arvi and one post is vacant at Amravati. Since posts are vacant at Arvi and Amravati, more time should not be granted as required by the

respondents and in view of this only 45 days is granted. While considering the applicant as per the G.R. and its provisions, the Id. counsel submits that the applicant's should be considered for Amravati or Arvi that will take care of his grievance.

4. In view of above, the C.A. is disposed off.

O.A. 831/2021 –

S.O. after 45 days.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 980/2021 (S.B.)

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

Dated : 03/11/2021.

Heard Shri G.N. Shinde, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

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

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry

within one week. Applicant is directed to file Affidavit of compliance and notice.

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

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

Vice-Chairman

dnk.

O.A. 981/2021 (S.B.)

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

Dated : 03/11/2021.

Heard Shri G.N. Shinde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to 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. 1004/2021 (S.B.)

(K.S. Wankhede Vs. State of Mah.)

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

Dated : 03/11/2021.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Vide order dated 30/10/2020 (A-3,P-15) the applicant was transferred from Police Station Civil Lines to Police Station, MIDC, Akola and his name appears at Sr.No.4. It appears that within one year by the impugned order dated 28/10/2021 (A-1,P-12) the applicant has been transferred from Police Station, MIDC, Akola to Police Control Room, Akola.

3. The learned counsel for the applicant is claiming as per Section 22N (C) of the Maharashtra Police Act, wherein the normal tenure of API is mentioned as two years at one Police Station or Branch.

4. The Id. P.O. further submits that as per instructions received from the respondents, the applicant is involving in some narcotic case and preliminary inquiry has been started against the applicant. However, nothing has been filed on record. The Id. P.O. further submits that Mr. Chauhan has joined at Police Station, MIDC, Akola.

5. In view of above, **the status-quo as on today be maintained.**

6. Issue notice to respondents returnable **after four weeks**. 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. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 1008/2021 (S.B.)

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

Dated : 03/11/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to respondents returnable **after three 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 three weeks.

Vice-Chairman

dnk.

O.A. 1009/2021 (S.B.)

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

Dated : 03/11/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to respondents returnable **after three 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 three weeks.

Vice-Chairman

dnk.

O.A. 1010/2021 (S.B.)

(Ku. N. M. Pawar Vs. State of Mah.)

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

Dated : 03/11/2021.

Heard Shri R.S. Khobragade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The Id. counsel submits that the applicant has been transferred vide order dated 30/8/2021 (A-1,P-23), but it was received on 27/10/2021. He further submits that the applicant was relieved yesterday only, because, of some malafide intention. The Id. P.O. is not aware whether somebody has joined at the applicant's previous post at Deogaon, Dhamangaon Railway or not.

3. In view of above, **the status-quo as on today is granted.**

4. Issue notice to respondents returnable **after four weeks.** Learned 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.998/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 03/11/ 2021.

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. As submitted by the Id. counsel for the applicant as per A-4, Pg. No. 18; list of candidates to be interviewed and in first paragraph three criteria were kept for Kotwal:-

- A. Five years service completed as Kotwal.
- B. Age limit was 45 years.
- C. Candidates should be passed 10 std.

3. Interview was conducted on 29.10.2021. As submitted by Id. counsel applicant was not given interview letter.

4. Issue notice to Respondents, returnable on after three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

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

11. *The Id. counsel for the applicant is directed to remove office objections immediately.*

Vice Chairman

Date:-03/11/2021.

aps.

O.A.No.999/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 03/11/ 2021.

Heard Shri N.J.Patil, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The applicant is aggrieved with correspondence dated 09.09.2021 issued by Collector and Chairman, District Child Protection Candidate, Akola. As submitted by Id. P.O., the letter dated 09.09.2021 (A-8, Pg. No. 33) it appears that applicant was appointed on contract basis.

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

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

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

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

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

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

9. **S.O. four weeks.**

10. *The Id. counsel for the applicant is directed to remove office objections immediately.*

Vice Chairman

Date:-03/11/2021.

aps.

O.A.No.1000/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 03/11/ 2021.

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. As per the Id. counsel for the applicant, applicant's father Late Shri Pradip Tukaramji Arulkar was working as Tracer (Anurekhak) in the office of Taluka Krishi Adhikari Akot, District Akola and he expired on 13.08.2018. Applicant made an application for appointment on compassionate ground as per A-1, Pg. No. 12 dated 01.12.2018 and he has been appointed vide letter dated 01.04.2021 (A-2, Pg. No. 13) and it is mentioned in the appointment letter that applicant was appointed on compassionate ground as well as on contract basis.

3. After the police case; applicant was terminated vide order dated 12.10.2021 (A-3, Pg. NO. 18). Aggrieved with this order, applicant has approached to this Tribunal. **Respondents should clarify in reply that why applicant has been appointed on compassionate ground as well as on contract basis.**

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

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

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

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

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

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

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

11. **Steno copy is granted.**

12. *The Id. counsel for the applicant is directed to remove office objections immediately.*

Vice Chairman

Date:-03/11/2021.

O.A.No.1001/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 03/11/ 2021.

Heard Shri P.M.Sinha, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. As submitted by Id. counsel for the applicant, applicant has submitted application as per (A-4, Pg. No. 65) for appointment to the post of Driver in Police Department. As per letter issued by Incharge, Superintendent of Police (Home), Bhadara, dated 24.10.2021 (A-1, Pg. No. 26) applicant has been treated as non eligible to the post; since his licence certificate is dated 12.02.2020 and as per directions of the department, licence certificate should be 08.01.2020. Aggrieved with this order, the Id. counsel for the applicant has challenged this impugned order dated 24.10.2021 (A-1, Pg. No.26).

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

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

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

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

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

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

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

9. **S.O. four weeks.**

10. *The Id. counsel for the applicant is directed to remove office objections immediately.*

Vice Chairman

Date:-03/11/2021.

aps.

O.A.No.768/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 03/11/2021.

Dr. Jyotshna P. Shinde Vs. State of Maharashtra & 2 Ors.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The issue pertains to relief after passing NEET examination. The Id. counsel for the applicant is relied on G.R. dated 19.03.2019 (A-2, Pg. No. 20). In this G.R. at pg. no. 23 at para no. 4.4 in-service candidates three years criteria was prescribed. The matter was also heard on 03.09.2021 and detailed order was passed in which para no. 9 is below:-

"9.Meanwhile if counselling starts, Respondent no. 3 is directed to examine the case of the applicant in view of G.R. dated 19.03.2019 (A-2, Pg. NO. 20)."

3. Today, the Id. counsel for the applicant submits that the above same was examined and she was not held eligible for in-service quota. The Id. counsel for the applicant now placed reliance on NEET-MDS 2021. In this on pg. no. 169 Commissioner and Competent Authority, Common Entrance Test, Maharashtra State has issued guidelines. As per the guidelines at pg. no. 169; the Id. counsel for the applicant is relying on clause 7.10 which is reproduced below:-

"7.10. If the seats reserved for State In-service quota in the particular reserve category remain unfilled on account of unavailability of candidates after inter-se as per rule, the seats should be included in the annual sanctioned seats for the respective category and these seats will be distributed to non-in-service candidates using NEET-MDS 2021 merit list."

4. Now, the Id. counsel for the applicant submits that applicant can be considered for non-in-service candidate because she is in the merit list which

has been filed by Id. counsel for the applicant and mark Exh. –X for the purpose of identification. Applicant name is at Sr. No. 141. Applicant has also made representation to the Commissioner, CET Cell, Mumbai, Maharashtra State by email who is Respondent no. 3 in the O.A..

5. **Respondent no. 3 is directed to consider the applicant's case as per guidelines issued by his office and provisions made in para no. 7.10 on pg. no. 169 and decide the application of the applicant dated 31.10.2021 by email as per this provision.**

6. With the above directions, **O.A. is disposed of with no order as to costs.**

7. **Both the counsels are directed that they should communicate to respondent no. 3 about today's order of this Tribunal as early as possible.**

8. **Steno copy is granted.**

Vice Chairman

Date:-03/11/2021.

aps.