

O.A. 724/2014 (D.B.)

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

Dated : 29/01/2021.

C.A. 07/2021 -

Heard Shri S.D. Malke, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A. No.07/2021 is allowed for joining new respondents. The necessary amendment be carried out within three weeks.

O.A. 724/2014 –

After amendment, issue notices to the newly added respondents on merits returnable **in four weeks**. Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

6. 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. four weeks.

Vice-Chairman

dnk.

O.A. 34/2018 (D.B.)

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

Dated : 29/01/2021.

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1 to 4 and Smt. G.M. Reve, Id. counsel holding for Shri B.N. Jaipurkar, Id. counsel for R-5.

2. The Id. P.O. files reply of R-3. It is taken on record. Copy is served on respondent no.5. The learned counsel for the applicant is not available due to Covid. The learned counsel for R-5 desires one week time. However, considering the condition of learned counsel for the applicant, **S.O. four weeks.**

Vice-Chairman

dnk.

O.A. 548/2019 (D.B.)

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

Dated : 29/01/2021.

None for the applicant. Shri A.M.
Khadatkar, Id. P.O. for R-1. None for R-5.

Notices of R-2 to 4 are not collected.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 647/2019 (D.B.)

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

Dated : 29/01/2021.

Heard Shri N.R. Saboo, Id. counsel holding for Shri A.P. Tathod, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and none for R-4.

2. The Id. P.O. files reply of R-1. It is taken on record. Copy is served on the applicant. The Id. P.O. submitted that reply of R-1 is sufficient to decide the matter.

3. The O.A. is admitted and it be kept for hearing.

4. The Id. P.O. waives notice for R-1 to 3.

S.O. in due course.

Interim relief to continue till then.

Vice-Chairman

dnk.

O.A. 882/2019 (D.B.)

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

Dated : 29/01/2021.

None for the applicant. Shri S.A. Deo, Id.
CPO for R-1 to 3. None for other respondents.

At the request of Id. CPO, S.O. **one**
week for filing reply.

Vice-Chairman

dnk.

O.A. 149/2020 (D.B.)

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

Dated : 29/01/2021.

Smt. A.D. Kolhe, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that she will remove the office objection.

3. The Id. P.O. submits that notices are not served by the applicant. The Id. counsel for the applicant submits that she will file service affidavit before the next date.

S.O. four weeks.

Vice-Chairman

dnk.

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

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

Dated : 29/01/2021.

Shri R.M. Tahaliyani, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 8/2/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 767/2020 (D.B.)

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

Dated : 29/01/2021.

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

At the request of Id. P.O., **S.O. one week** for filing reply.

Vice-Chairman

dnk.

O.A. 194/2017 (D.B.)

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

Dated : 29/01/2021.

C.A.No. 437/2017 -

Heard Shri A.A. Syed, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and none for R-3.

2. The learned counsel for the applicant desires further time to take instructions from the client. At his request, **S.O. 11/2/2021.**

Vice-Chairman

dnk.

O.A. 563/2020 (D.B.)

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

Dated : 29/01/2021.

Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 36/2019 (D.B.)

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

Dated : 29/01/2021.

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

It is submitted that reply has been filed.

The O.A. is admitted and it be kept for final hearing.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 533/2020 (D.B.)

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

Dated : 29/01/2021.

Heard Shri A.A. Syed, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The Id. CPO pointed out that the applicant is challenging recruitment process of advertisement dated 2/10/2011 and as per the said recruitment process the merit list was valid only for one year and now period of more than 10 years is lapsed. It is difficult that the present O.A. will be maintained. In the meanwhile, the applicant had approached to the Lokayuta as per page no.43. The Hon'ble Lokayuta has also observed in its order dated 7/8/2018 that as per their Act, the matter has become time barred. Hence, as per the Section 20 of the Maharashtra Administrative Tribunal Act, it is hopelessly barred by limitation of time.

3. The learned counsel for the applicant has pointed out the letter dated 22/11/2018 (P-44) issued by the Deputy Registrar of High Court, Nagpur Bench, but in this letter no relief is given to the applicant. In this letter it is mentioned about providing three legal heirs to the candidate.

4. In view of this situation, the O.A. is not maintainable. Hence, it is dismissed. No order as to costs.

Vice-Chairman

dnk.

C.P. 14/2020 in O.A. 58/2019 (D.B.)

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

Dated : 29/01/2021.

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

2. The Id. P.O. pointed out affidavit dated 13/8/2020 and particularly para-4 of the affidavit and also pointed out para-C on page no.60. The learned counsel for the applicant submits that the departmental inquiry report is submitted, but decision is not taken. After 31/8/2020 three orders are passed by this Tribunal on 15/10/2020,19/10/2020 & 21/01/2021. As far as final order is concerned, there should not be delayed after the report has been submitted in departmental inquiry. The respondents are also bound by Hon'ble Apex Court Judgment in case of Prem Nath Bali vs Reg.,High Court Of Delhi & Anr on 16 December, Bench: J. Chelameswar, Abhay Manohar Sapre, J. Chelameswar, Abhay Manohar Sapre Reportable IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL No.958 OF 2010.

"33) Keeping these factors in mind, we are of the considered opinion that every employer (whether State

or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it **should be concluded within six months** as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry **but not more than a year**".

3. According to above observations of Hon'ble Apex Court, final decision should not have been delayed beyond one year. The Id. counsel for the applicant submits that inquiry was completed in March,2019 and there is no reason that final order should not be issued till now i.e. for even after more than two years. The applicant is due for retirement in February,2021.

4. In view of this situation, the concerned establishment Deputy Secretary/ Joint Secretary is directed to personally present before the Tribunal and explain why final order is not passed and full order is not complied.

S.O. 5/2/2021.

Steno copy is granted.

Vice-Chairman

dnk.

**O.A. 978/2019 with C.As.367/20 & 19/2021
(D.B.)**

(Dr. K.P. Bambade & ors. Vs. State of Mah.)

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

Dated : 29/01/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri A. Jibhkate, Id. counsel for R-5.

2. The Id. P.O. gave citations in case of State of M.P. Vs. B.R. Thakre & Ors. (2002) 10 SCC,338. Civil Appeal No. 2653/1997 with Nos. 2654,2656-58 & 2655 of 1997 decided September 4,2001. This is taken on record.

3. The learned counsel for the applicant pointed out affidavit in reply on behalf of R-1&3. In this reply on page no.115 the respondent nos. 1&3 have submitted following facts which are as follows –

“16. As to Grounds Nos.7.2: *The contentions of this paragraph are matter of record, no need to reply. The contents of this paragraph, prejudicial to the interests of respondents, if not denied, are specifically denied herewith as explained in the above paras. As submitted in Para 7.1 above. Considering the placement of 11 Scheduled Caste-Open Category selected candidates on the roster points of Scheduled Caste Category*

out of total 35 Scheduled Caste-Open Category selected candidates, it can very well be established that it was an incorrect action and not a purposefully committed mistake.

17. As to Grounds Nos.7.3: The contentions of this paragraph are matter of record, no need to reply. The contents of this paragraph, prejudicial to the interests of respondents, if not denied, are specifically denied herewith as explained in the above paras. As submitted against the backdrop of Para 6.1 and 6.5 above, a total of 11 posts have been erroneously shown against SC points in roaster. Thus, the reservation of **23 posts for the Scheduled Caste category as advertised in the Advertisement No.13/2019 needs to be corrected to 34 posts. The submission of applicant that, “hence it is obligatory for respondents nos.1 to 4 to modify the advertisement dated 23.08.2019 and to advertise 68 posts for S.C. category” is not correct and hence denied.**

19. As to Grounds Nos.7.5 & 7.6:

The contentions of these paragraphs are matter of record, no need to reply. The contents of these paragraphs, prejudicial to the interests of respondents, if not denied, are specifically denied herewith as explained in the above paras. As submitted against the backdrop of Para 6.1 and 6.5 above, a total of 11 posts have been erroneously shown against SC points in

roaster. Thus, the reservation of 23 posts for the Scheduled Caste category as advertised in Advertisement no. 13/2019 needs to be corrected to 34 posts”.

4. The respondent nos.1 to 3 In their own reply have admitted that there is mistakes in advertisement dated 23/8/2019, so respondents first need to make corrections in the said advertisement and then proceed further or take next steps related to advertisement dated 23/8/2019.

S.O. four weeks.

Steno copy is granted...

Vice-Chairman

dnk.
*

O.A.No.951/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri G.N.Khanzode, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. 22.02.2021.**

Vice Chairman

Date:-29/01/2021.

aps.

O.A.No.318/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. He submits that he will serve the copy to the other side. He further submits that it is sufficient to decide the O.A.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

Vice Chairman

Date:-29/01/2021.

aps.

O.A.No.1015/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondents and Smt. J.J.Alkari,
the Id. counsel for the respondent nos. 2 & 3.

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

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.1062/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

Heard Shri P.P.Khaparde, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. four weeks to file service affidavit.**

Vice Chairman

Date:-29/01/2021.

aps.

O.A.No.1071/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

None for the applicant. Shri H.K.Pande, the
Id. P.O. for the State. Await service of respondent
nos. 2 to 5.

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

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.122/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. 15.02.2021.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.202/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

Heard Shri S.Borkute, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. one week to file reply.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.869/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

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

2. At the request of Id. P.O., **S.O. 09.02.2021 to file reply.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.927/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

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

2. In the order dated 14.01.2021; it is specifically mentioned that respondents are directed to file reply positively on the next dated otherwise matter will be heard finally. However, today the Id. P.O. submits that he has received parawise reply and he file reply shortly. In view of this, the Id. P.O. granted 10 days time and on submission of Id. P.O. matter will be **admitted** and kept for final hearing.

3. The Id. counsel for the applicant submitting that interim relief as per para no. 8(A) of the original application on P.B., Pg. No. 10. However, the Id. P.O. submits that applicant has been relieved. In this situation, **respondents are directed to maintain status-quo as on today.**

4. S.O. 08.02.2021.

Vice Chairman

Date:-29/01/2021.
aps.

**C.A.No.190/2020inRev.St.No.887/2020in
O.A.No.184/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent no. 3.

2. As submitted by Id. P.O., four weeks time is granted to file reply on review application, **S.O. four weeks.**

3. Issue notice to Respondents on review application, 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.**

Vice Chairman

Date:-29/01/2021.
aps.

C.A.No.208/2020inO.A.No.502/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. **C.A.No.208/2020 for permission to file Jt. O.A. is not allowed and disposed of.**

3. At the request of Id. counsel for the applicant, **S.O. one week to file certain documents as per relief clause.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.65/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned C.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.**

Vice Chairman

Date:-29/01/2021.

aps.

O.A.No.69/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. C.P.O. has relied upon the M.A.T., Nagpur Bench Judgement in O.A. No. 44/2010 decided on 08.10.2018 and decision of Hon'ble High Court Mumbai, Bench at Aurangabad in W.P. No. 619/2006 delivered on 16.07.2007. At the same time Id. C.P.O. has also placed on record circular of Planning Department dated 15.04.2009, which is marked Exh. "X" for the purpose of identification. According to all these facts, Mustering Assistant service could not be conducted for pensionary benefits for the period for which he was Mustering Assistant. His services should be counted from the date he entered in the service when M.C.S. Rule covered all the benefits. In O.A. No. 209/2020, the said matter was heard on 11.06.2020 at P.B., Pg. No. 56 and in order para no. 2 in the last line it is mentioned that "*It is principal of natural justice that no man can be condemned without hearing and the respondents have violated this mandatory rule of natural justice.*"

3. The Original Application as pointed out by Id. C.P.O.; applicant was heard by respondents on 24.07.2020 and on P.B., Pg. No. 62; they have

mentioned 4th para and following observation have been made:-

“djhrk Jh tkeudj ; kuk ojhy iæk.ks l økfuorRrh fo”k; d ytkk vnk dj.lckcr l tkz fuekzk >kyyk vI Y; keGs ; k dk; kÿ; kps l mHkz i = dekd 18 ul kj Jh i-h, l -tkeudj ; kph o foHkxkr : tw gks; ki mÿh l øk dksR; k rkj [ki kl u xghr /kj.; kr ; koh ; k ckcr elxh’kz elxfo.; kr vkyysgkrs i jarnv | ki R; kpselQr elxh’kz i kl r >kyykulgh-”

4. As per the above, they have asked guidance about the applicant’s date of joining in the Government service and that guidance is yet to be receive.

5. In view of this situation, respondents are directed to continue with the pension till they receive the guidance and after receiving the guidance they should take the decision as per guidance received.

6. The Id. C.P.O. has also pointed out document on P.B., Pg. No. 60 (Annexure-A-13) dated 11.01.2021 by Under Secretary; where the applicant name has been mentioned in subject and in para no. 2 it has been clarified by respondents taken stand on this letter or Government letter than this situation would have been different but that they are not clear and they have asked for the guidance, when they have asked for the guidance then they should take the guidance and then take action. The Id. counsel for the applicant has also placed document by Collector, Solapur dated 20.12.2019 and at P.B., Pg. No. 68 and 69. At P.B., Pg. No. 69 several Mustering Assistant

imaginary deemed date has been mentioned for the purpose of pay fixation and pension etc.

7. The Id. counsel for the applicant has also filed document at Annexure-A-2, P.B., Pg. No. 20, dated 31.05.1993 where it is mentioned :- ~~fnukad~~ 31-05-1993 ~~jkth l or vl yY; k gtjh l gk; ; dkph l ok t\$Brk ; knt-~~ Applicant name appeared at Sr. No. 42 and where deemed date has been mentioned on 30.03.1998 and as submitted by Id. counsel for the applicant he stood retired from service on May, 2019 and he has received pension from the same date. The only question involved is whatever guidance respondents have asked including enquiry paper as per P.B., Pg. No. 62 they should take decision as per guidance but till the guidance is received they should continue the pension of the applicant. Till guidance is received as per P.B., Pg. No. 61 and 62; respondents are directed not to act as per letter dated 20.01.2021 issued by respondent no. 2. Hence, **letter dated 20.01.2021 (Annexure-A-14, P.B., Pg. No. 61) is stayed till the guidance is received by respondent no. 2 and no further action should be taken.**

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

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

10. 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.

11. 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.

12. 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.

13. 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.

14. **S.O. four weeks.**

Vice Chairman

Date:-29/01/2021.

aps.

O.A.No.941/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

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

2. The Id. counsel for the applicant submits that after filing this O.A., the applicant expired in the last week of August, 2020. In view of this, O.A. does not survive. Hence, **O.A. is disposed of as withdrawn.**

Vice Chairman

Date:-29/01/2021.
aps.

**O.A.No.178/2018withO.A.No.302/2018with
C.A.No.204/2020withO.A.No.253/2019with
O.A.744/2019withO.A.331/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

Heard Shri N.S.Warulkar holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. next week.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.309/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri V.B.Gawali holding for Shri P.K.Bezalwar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-29/01/2021.

aps.

O.A.No.642/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri P.S.Khubalkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The grievances of the applicant is that he has not been paid ACP. However, in reply para no. 7 (ii) at P.B., Pg. No. 46 following conditions have been mentioned :-

“(i) English Typewriting Examination @ 40 words per minute.

“(ii) Marathi Typewriting Examination @ 30 words per minutes as per the procedure prescribed in the Maharashtra Government Gazette Extra Ordinary Part-IV-A dated 22.12.2011. The copy of the abovesaid Gazette is annexed as Annexure-R-I. As per the scheduled, Group-III posts (service entry) Rules, 2011 along with rules in the Land Records department under the Revenue and Forest Department.”

3. For granting ACP i.e. on 19.08.2020 the applicant is not fulfilling the typing condition. The applicant has been declared not eligible. The Id. counsel for the applicant pointed out that this condition was never communicated to the applicant earlier to the D.P.C. date.

4. In view of such situation, applicant cannot be granted relief as prayed. Hence, **O.A. is dismissed.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.991/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.

Heard Shri S.D.Borkute, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. In the last hearing amendment was allowed. The Id. P.O. desires three weeks time, **S.O. three weeks.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.739/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

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

2. At the request of Id. P.O., **S.O. 12.02.2021.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.849/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

Heard Shri A.P.Adhe, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 04.02.2021.**

Vice Chairman

Date:-29/01/2021.
aps.

O.A.No.493/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/01/ 2021.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 08.02.2021.**

Vice Chairman

Date:-29/01/2021.
aps.