

**O.A. No. 254/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 19<sup>th</sup> July 2017.**

Shri K.M. Waware, Adv. holding for Shri S.D. Zoting, the learned counsel for the applicant and Shri S.A.Deo, the learned C.P.O. for respondents.

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

Vice-Chairman(J)

pdg

**O.A. No. 522/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

Heard Shri G. Agrawal, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for respondent No.1.

2. The applicant has been promoted from the post of Staff Nurse to the post of Psychiatric Nurse vide order dated 8.6.2017 (Page Nos. 22 and 23 both inclusive). She accordingly joined her promotional post on 9.6.2017. However, all of a sudden on 30.6.2017, the applicant has received impugned communication wherein it has been stated that since she has passed qualifying test in second attempt, her promotion is cancelled. Today, the applicant is present before this Tribunal and stated that inspite of such reversion order, she is still serving as Psychiatric Nurse. She has not been

relieved from her post. Prima facie, it seems that no notice has been served on the applicant before her reversion and since the applicant is not yet relieved from the promotional post, the respondents are directed not to relieve the applicant till reply affidavit is filed by the respondents in the matter.

3. In the meantime, issue notice to R. 2 and 3 returnable after **two weeks.**

4. Shri S.A. Deo, the learned C.P.O. waive notice for respondent No.1. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

9. S.O. **two weeks.**

10. Steno copies be provided to both the parties.

Vice-Chairman(J)

Pdg

**O.A. No. 818/2015. (S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

Shri A. Bhole, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for respondent Nos.1 and 2. Shri V.P. Maldhure, Adv. for R.3.

At the request of Ld. Adv. for R.3,  
S.O. **4<sup>th</sup> August 2017.**

Vice-Chairman(J)

Pdg

**O.A. No. 149/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

Heard Shri M.V. Mohokar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for respondents.

The Ld. P.O. has filed reply affidavit on behalf of R. 1 and 2. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant. The learned counsel for the applicant seeks time to file rejoinder. Time granted.

**S.O. two weeks.**

Vice-Chairman(J)

**O.A. No. 103/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

None for the applicant. Shri P.N. Warjekar, the learned P.O. for respondents 1 to 3. None for R.4.

The Ld. P.O. has filed reply affidavit on behalf of R. 2 and 3. The same is taken on record.

Notice to R.4 has been received back unclaimed.

Hence, S.O. **four weeks.**

Vice-Chairman(J)

Pdg

**O.A. No. 87/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

Shri R.V. Shiralkar, Adv. holding for Shri M.M. Sudame, the Ld. Counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R. 2. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The Ld. P.O. seeks time to file reply on behalf of R.1.

**S.O. three weeks.**

Vice-Chairman(J)



**O.A. No. 753/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

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

As the pleadings are complete, O.A. is admitted and kept for final hearing before the regular D.B. when available.

Shri V.A. Kulkarni, the learned P.O. waives service for all the respondents.

Vice-Chairman(J)

pdg

**O.A. No. 512/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19<sup>th</sup> July 2017.**

**C.A. 342/2017.**

Heard Smt. Rashi Deshpande, the Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

2. In this application, the applicants have requested to allow them to sue jointly. Since the cause of action and the relief claimed by the applicant is similar and for the reasons stated in the application, C.A. to sue jointly is allowed.

**O.A. No. 512/2016.**

Issue notice to R. 2 and 3 returnable after **three weeks.**

2. Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents. Hamdast granted.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

7. S.O. **three weeks.**

Vice-Chairman(J)

**O.A. No. 768/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 19<sup>th</sup> July 2017.**

Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicants. S.O. **one week.**

Vice-Chairman(J)

Pdg

**O.A. No. 756/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld. P.O. submits that he will file reply affidavit during the course of the day.

**S.O. two weeks.**

Vice-Chairman(J)

Pdg

**O.A. No. 370/99.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19<sup>th</sup> July 2017.**

**R.A. 05/2015.**

Heard Smt. K.N. Saboo, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. seeks time to file reply affidavit.

**S.O. four weeks.**

Vice-Chairman(J)

Pdg

**O.A. No. 535/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. Shri A.D. Girdekar, Adv. for R.4.

The Ld. P.O. submits that he will file reply on the point of jurisdiction only. The Ld. P.O. submits that he will adopt reply of R.4, so far as jurisdiction is concerned and also he wants to file separate reply affidavit for that purpose. Since none is present for the applicant, matter be placed for dismissal after **two weeks.**

Vice-Chairman(J)

Pdg

**O.A. No. 383/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 19<sup>th</sup> July 2017.**

None for the applicants. Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of Ld. P.O., **S.O. two weeks** for filing reply affidavit on behalf of the respondents.

Vice-Chairman(J)

Pdg



**O.A. No. 247/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 19<sup>th</sup> July 2017.**

Heard Shri I.N. Choudhari, the Ld. counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondent Nos. 1 to 3. None for R. 4 & 5.

The Ld. counsel for the applicant submits that notices to R.4 and 5 have been issued by registered post through this office on two occasions. But the acknowledgements are not received and the postal authority is not ready to give status of the report. Since notices have been served through the office.

Registrar of this Tribunal is directed to ask the postal authorities about the status of the notice.

S.O. **two weeks.**

Vice-Chairman(J)

Pdg

**C.A. 52/2017 and O.A. No. 112/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> July 2017.**

**Oral order**

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

2. In this O.A., the applicant has challenged the selection process carried out by respondent No.2 for the post of Driver saying that the same is illegal, arbitrary and contrary to the G.R. dated 5.6.2014.

3. The applicant is claiming that respondent No.2 be directed to follow the instructions in the G.R. dated 5.6.2014 and then to issue appointment to the applicant. It is stated that there is a delay of 2 years and 26 days in filing the O.A. Perusal of the application for condonation of delay as well as the O.A. clearly shows that the applicant has participated in the selection process and has been declared unsuccessful and now he is challenging the procedure.

4. When the applicant had already participated in the selection process and has been unsuccessful, he cannot be allowed to challenge the procedure adopted by respondent

No.2, merely because some instructions are not followed. Application for condonation of delay nowhere states the exact reason for the delay.

5. The fact that the applicant is from very poor family and his financial status is weak, cannot be a ground to condone the delay. No satisfactory reasons are made out to condone the delay. Hence, the C.A for condonation of delay is rejected. Consequently, the O.A. also stands rejected. No order as to costs.

Vice-Chairman(J)

**O.A. (St.) No. 2197/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19<sup>th</sup> July 2017.**

**C.A. No. 533/2016.**

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 & 2. Shri N.B. Rathod, the Ld. Adv. for R.3.

2. Respondent No.3 has already filed reply affidavit to the O.A. Applicant has supplied copies of the O.A. to respondent No.3 today itself. Ld. P.O. also seeks time to file reply affidavit. Parties agree that the matter be heard on merit keeping upon the point of limitation. Hence, the respondents are directed to file reply affidavit to the O.A. within three weeks.

**S.O. three weeks.**

Vice-Chairman(J)

**O.A. No. 736/2015. (S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19<sup>th</sup> July 2017.**

**R.A. No. 09/2016.**

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. Shri B.D. Pandit, Adv. for R.4.

At the request of the Ld. counsel for the applicant, S.O. **24<sup>th</sup> July 2017.**

Vice-Chairman(J)

pdg

O.A. 477/2013

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

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

2. In this O.A. the applicant is claiming deemed date of promotion to the post of Naib Tahsildar since July,1999 along with consequential monetary benefits. In the alternative, he has claimed that the representation filed by the applicant on 20/9/2012 as regards his promotion be considered.

3. It seems that the applicant was appointed on the post of Jr. Clerk in the year,1982. He passed the qualifying departmental examination on 29/4/1995 and was promoted to the post of Awal Karkun in 1997. In fact he should have been promoted to the post of Naib Tahsildar in the year, 1999, but he has been promoted to the said post in 2007. The applicant is therefore claiming deemed date of promotion from 1999.

4. In the reply-affidavit filed by respondent no.2 it has been stated in para 7 that the amalgamated seniority list of Awal Karkun to be promoted as Naib Tahsildar was prepared for the year 1993-2012. However, the Hon'ble Tribunal has directed to revise the said list in O.A. 578/2013 vide Judgment dated 16/9/2014. It is stated that the acting upon the said Judgment the respondents had prepared the revised amalgamated seniority list on 11/2/2015 which is in fact again challenged in the O.A.Nos. 93/2015, 149/2015, 150/2015, 153/2015, 154/2015 & 156/2015. The common Judgment was delivered in the said O.As. on 14/6/2016 and said amalgamated seniority list is also quashed and the process of preparation of the new seniority list is undergoing.

5. The learned counsel for the applicant submits that in view of this subsequent development, the applicant be allowed to file fresh representation as regards his seniority and the application can be disposed of in view of this development. In view thereof, the following order :-

**ORDER**

The O.A. stands disposed of by granting permission to the applicant to file

separate representation as regards his deemed date of promotion to the respondent authorities. He undertakes to file such representation within four weeks from today. I hope that the respondent authority will prepare the seniority list as early as possible and may consider the representation of the applicant as far as possible within six months from the date of this order. No order as to costs.

**Vice Chairman (J)**

dnk.



**Coram : Hon. Shri J.D.Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri R.V. Shiralkar, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. Vide order dated 12/6/2017 the Id. CPO was directed to take instructions as to within how many days the representation filed by the applicant for cancellation of his transfer will be decided. Today, the learned P.O. has placed on record the communication dated 11/7/2017 (Exh-X) from which it seems that the applicant's representation has been rejected on the ground that she is not qualified to be posted as Associate Professor in Gastroenterology Department.

3. The learned counsel for the applicant submits that the applicant is serving on the same post from 10/6/1999 and therefore she may not be forced to join at new posting till the reply is filed by the respondents.

4. The learned P.O. has invited my attention to the order passed in W.P. 3427/2000 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur on 16/2/2017 whereby the directions are issued that qualified persons shall only be posted. From the said order it seems that the qualified persons are available, however, nobody is posted in place of applicant. The learned P.O. seeks time to take instructions

in this regard at this stage who is being posted in place of applicant.

**S.O. 20/7/2017.**

**Vice Chairman (J)**

dnk.

O.A. 557/2013

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri J.R. Kidilay, Id. Counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the Respts.

The learned counsel for the applicant submits that he will bring L.Rs. on record during the course of day.

**S.O. 26/7/2017.**

**Vice Chairman (J)**

dnk.

O.A. 111/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri S.N. Gaikwad, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. seeks time to file reply. The learned counsel for the applicant submits that the applicant has received the intimation letter dated 13/4/2017 whereby the respondents are going to recover the amount from his salary from the month of April,2017. The copy of the said letter is placed on record and marked Exh-X for the purpose of identification.
3. The respondents are directed not to recover any amount from the salary of the applicant till further orders.
4. **S.O. 2/8/2017.**

**Vice Chairman (J)**

dnk.

O.A. 52/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri S.N. Gaikwad, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. has already filed reply of R-3. The same is taken on record. Copy is served on the applicant. The learned counsel for the applicant has placed on record the communication dated 15<sup>th</sup> June,2017 (Exh-X) from which it seems that the respondents are going to recover the excess amount

from the salary of the applicant. The respondents are directed not to recover the said amount till further orders.

**Heard. Admit.**

Learned P.O. waives notice for the respondents.

The matter be kept for final hearing after two weeks.

**S.O. 2/8/2017.**

Steno copy be supplied to the Id. Counsel for the parties.

**Vice Chairman (J)**

dnk.

Rev.A. 03/2017 in O.A. 828/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri Bharat Kulkarni, Id. Counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri A.D. Girdekar, Id. Counsel for R-3. None for R-4.

Shri Girdekar, Id. counsel undertakes to file fresh vakalatnama on behalf of R-3. He also seeks time to file reply.

**S.O. 26/7/2017.**

**Vice Chairman (J)**

dnk.

O.A. 742/2014

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

None for the applicant. Smt. M.A. Barabde, Id. P.O. for the respondents.

Ld. P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant.

**S.O. 2/8/2017.**

**Vice Chairman (J)**

dnk.

O.A. 789/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri P.J. Mehta, Id. Counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1&2 and Shri Malviya, Id. Counsel for R-3.

The learned P.O. files reply on behalf of R-2 as well as Id. Counsel for R-3 files reply of R-3. Same are taken on record and served to the other sides.

**Heard. Admit.**

Learned P.O. as well as Id. Counsel for R-3 waives respective notices.

**S.O. 26/7/2017** for final hearing.

**Vice Chairman (J)**

dnk.

O.A. 36/2017 with C.A.105/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Smt. K.N. Saboo, Id. Counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 & 4 and Shri A.M. Kukday, Id. Counsel for R-2&3.

At the request of Id. Counsel for R-2&3,

**S.O. 9/8/2017** for filing reply.

**Vice Chairman (J)**

dnk.



O.A. 74/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. submits that the respondents have already filed reply. The matter is therefore admitted and kept for final hearing in due course.

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

**Vice Chairman (J)**

dnk.

O.A. 76/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Ms. A. Singh, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Ld. P.O. seeks time to file reply. The Id. Counsel for the applicant strongly objected on the ground that the applicant is not getting retiral benefits since 2010.

3. In view of this , most last chance is granted for filing reply. It is made clear that if the respondents failed to file reply on the next date, heavy cost will be saddle on the respondents.

**S.O. 2/8/2017.**

**Vice Chairman (J)**

dnk.

O.A. 376/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri N.N. Thengre, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. P.O., **S.O. 26/7/2017** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 836/2015

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri P.S. Chawhan, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 2/8/2017.**

**Vice Chairman (J)**

dnk.

O.A. 168/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

None for the applicant. Shri M.I. Khan, Id.  
P.O. for R-1 to 3. None for R-4.

On the last date also nobody appeared for  
the applicant. Hence, the matter be kept for  
dismissal in **next week**.

**Vice Chairman (J)**

dnk.

O.A. 770/2016

**Coram : Hon. Shri J.D.Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19.07.2017.**

Shri S.P. Palshikar, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

The learned P.O. is directed to produce the original record in respect of transfer of the applicant.

**S.O. 26/7/2017.**

**Vice Chairman (J)**

dnk.

O.A. 534/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

Heard Shri S.C. Deshmukh, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1 to 3. None for R-4.

2. After hearing the matter for some time, it seems that the applicant has challenged the order of his suspension dated 2/5/2016 issued by respondent no.3 on the ground that respondent no.3 is not Appellate Authority nor is authorized by any notification to suspend the applicant. During pendency of the application, the suspension order came to be re-considered by the Collector, Wardha, i.e., respondent no.2 and applicant has been reinstated.

3. The learned counsel for the applicant placed reliance on one Judgment in W.P.No.4267/2008 in the case of **Ashruba S/o Bharurao Saruk Vs. State of Maharashtra and Ano.**, delivered on 24/9/2008, wherein, it has been observed that the post of Naib Tahsildar is a Gazetted post and therefore the Appointing Authority is the Government and as such Disciplinary Authority, unless the power to suspend is conferred on the some other authority, subordinate to appointing authority, cannot issue suspension order.

4. The learned P.O. submits that the applicant has been kept under suspension in view of the proviso to Section 4 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Perusal of the order however shows that the circumstances under which the applicant was kept under suspension have not been intimated to the Collector, but only copy is

forwarded. The learned P.O. is therefore directed to take instructions on the following points :-

- (i) Whether any notification has been issued diverting powers of suspension to the respondent no.2, in case of post of Naib Tahsildar.
- (ii) Whether any departmental enquiry is initiated against the applicant on the basis of same charges for which the applicant was kept under suspension.

5. At the request of Id. P.O., **S.O. 21/7/2017**. Matter be treated as **P.H.**

6. Steno copy be supplied to the learned counsel for the parties.

**Vice Chairman (J)**

dnk.



O.A. Nos. 523, 524 & 525 of 2017 (D.B.)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.07.2017.**

**COMMON ORDER -**

Heard Smt. S.S. Jachak, Id. Counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. The applicants in all these O.As. are claiming promotion to the posts of Junior Engineer. It is stated that they have been absorbed in the cadre of Civil Engineer Assistant (CEA). They have cleared qualifying examination as well as departmental examination long back and they are entitled to the post of Junior Engineer.

3. It is stated that vide letter dated 28/6/2017 the ACRs. of the applicants were called for the purposes of considering for the posts of Junior Engineer. However, suddenly on 1/7/2017 another letter has been issued by respondent no.1 calling upon the ACRs. immediately and particulars of the service of the persons mentioned therein. Surprisingly, in this list the name of the applicants are missing. The applicants are therefore on apprehending that their claim for promotion to the posts of Junior Engineer may be in jeopardy. It is, therefore, prayed that the respondents be declared for granting promotion to the posts of Junior Engineer on the basis of letter dated 1/7/2017.

4. The learned CPO submits that the letter dated 1/7/2017 itself shows that the information was called for some court purposes. Perusal of the letter is not clear as to whether the information is called for the purposes for promotion only. In any case if so many candidates are to be promoted on the posts of Junior Engineer, the respondent will have to called their information so as to place the same before the DPC.

5. The learned counsel for the applicant submits that the DPC has been constituted yesterday only. However, there is no documentary evidence in this regard even accepting that the DPC is constituted in any case it will not take any decision immediately. For the purpose of adjudication of the matter, the reply of respondent no.1 is necessary and

in such circumstances, no interim relief at this stage is granted.

6. Issue notice to R-2 to 4, returnable on **16/8/2017**. Learned C.P.O. waives notice for R-1. 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. **S.O. 16/8/2017.**

dnk.

**Vice Chairman (J)**