

**O.A. Nos. 191,192,193 & 806 of 2016
and O.A.Nos.84,141,158,159 & 162/2017**

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 26th July 2017.**

Heard Shri A.S. Chakotkar, the learned counsel for the applicants and S/s M.I.Khan, V.A. Kulkarni, P.N. Warjekar, A.M. Ghogre, all P.Os, Shri S.A. Deo (CPO), Shri A.M. Khadatkar, H.K.Pande and Mrs. S.V. Kolhe, all the learned P.Os for respondents.

The Ld. P.Os seek time to file reply affidavit in all these O.As. It is stated that one similar O.A. No.267/2015 has already been admitted. Hence, the matter be kept alongwith O.A. No. 267/2015 and O.A. No. 279/2016 alongwith O.A.No.162/2017 after **two weeks.**

Vice-Chairman(J)

O.A. No. 449/2005.

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

Dated : 26th July 2017.

MCA Nos. 58 & 59 of 2016.

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

At the request of the P.O., S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 162/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 26th July 2017.**

Shri J.S. Deshmukh, Ld. counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for respondents.

At the request of the P.O., S.O. **two weeks.**

Put up alongwith O.A.No.279/2016 and other O.As.

Vice-Chairman(J)

pdg

O.A. No. 279/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 26th July 2017.**

Shri A.D. Girdekar, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for respondents.

At the request of the P.O., S.O. **two weeks.**

Put up alongwith O.A. Nos. 191,192,193 & 806 of 2016 and O.A.Nos.84,141,158,159 & 162/2017.

Vice-Chairman(J)

Pdg

O.A. No. 35/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 26th July 2017.

O.A. No. 35/2017.

Heard Shri S.M. Pande, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for respondent No.1. Shri A. Parihar, Ld. Adv. for R.2. None for R.3.

2. The Ld. counsel for the applicant submits that notice to R.3 has been returned with the endorsement "non known" and, therefore, he wants to issue fresh notice to R.3. In view thereof, S.O. **four weeks.**

C.A.No.106/2017.

Heard both sides.

2. Issue fresh notice on C.A. No.106/2017 to R.3 returnable after **four weeks.**

3. Shri M.I. Khan, the learned P.O. waives notice for respondent No.1. Hamdast granted.

4. Shri A. Parihar, Ld. Adv. waives notice for R.2. 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 C.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. The Ld. P.O. seeks time to file reply on behalf of R.1.

10. Ld. counsel for R.2 also seeks time.

11. S.O. **four weeks.**

Vice-Chairman(J)

O.A. No. 03/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 26th July 2017.

C.A. No. 280/2017.

Heard Shri H.B. Bargat, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for respondents.

In this C.A., the applicant is claiming directions to the respondents that his objection about the seniority list be considered. However, alongwith an application the applicant has filed a letter dated 21.5.2017, whereby the Collector, Chandrapur was directed to take a decision on the representation filed by the applicant. Such a decision was to be taken within one week. The Ld. P.O. is, therefore, directed to verify and inform this Tribunal as to what decision the Collector, Chandrapur has taken in view of letter dated 21.5.2017.

S.O. one week.

Vice-Chairman(J)

O.A. No. 04/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 26th July 2017.

Heard Shri H.B. Bargat, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for respondents.

The Ld. P.O. has filed reply affidavit on behalf of R.3, Collector, Chadnrapur. It is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. He submits that there is no need to file reply affidavit of other respondents.

Ld. counsel for the applicant wants to file rejoinder, if necessary.

S.O. one week.

Vice-Chairman(J)

Pdg

O.A. No. 768/2016.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 26th July 2017.

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

The Ld. counsel for the applicant submits that she wants to file an application for amendment of the O.A. It seems that the Ld. P.O. has filed on record the order passed by the competent authority, whereby the competent authority has directed the Enquiry Officer to examine more witnesses. Ld. P.O. submits that such action can be taken as per Rule 9 of the M.C.S. (Discipline and Appeal) Rules, 1979. In view thereof, stay cannot be continued, since in any case the matter is not going to be disposed of by examining those two witnesses. At the most, respondents can be directed not to take final action on the Enquiry Report till further orders.

S.O. two weeks.

Vice-Chairman(J)

O.A. No. 72/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 26th July 2017.

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

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

Vice-Chairman(J)

pdg

O.A. No. 203/2016.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 26th July 2017.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for respondents.

The Ld. P.O. submits that he will take instructions as to whether the judgment in O.A. No. 199/2016 delivered on 15.6.2017 by the Principal Bench of this Tribunal at Mumbai has been implemented or not. For the said purpose, he seeks one week's time.

S.O. one week.

Vice-Chairman(J)

pdg

O.A. No. 273/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 26th July 2017.

Heard Shri V.R. Borkar, the Ld. counsel for the applicant and Shri S.A.Sainis, the learned P.O. for respondents.

S.O. two weeks.

Put up this O.A. with O.A. (Stamp) No. 512/2017.

Vice-Chairman(J)

pdg

O.A. No. 806 of 2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 26th July 2017.

Heard Smt. K.N. Saboo, the learned counsel for the applicants and Shri S.A. Deo, Ld. CPO for respondents.

The Ld. P.Os seek time to file reply affidavit in all these O.As. It is stated that one similar O.A. No.267/2015 has already been admitted. Hence, the matter be kept alongwith O.A. No. 267/2015 and O.A. No. 279/2016 alongwith O.A.No.162/2017 after **two weeks.**

Put up with connected O.A. Nos. 191,192,193 and O.A.Nos.84,141,158,159 & 162/2017

Vice-Chairman(J)

pdg

O.A. 225/2017 (DB)

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

Dated : 26.07.2017.

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

2. After hearing the matter for some time, the Id. P.O. is directed to produce on record the Recruitment Rules in respect of appointment of Police Constables of 2011.

3. At the request of Id. P.O., **S.O. 1/8/2017.**
Matter be treated as **P.H.**

Vice Chairman (J)

dnk.

O.A. 557/2013

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

Dated : 26.07.2017.

C.A.Nos. 349,350,351,352,353 & 354 of 2017

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

2. For the reasons stated in the respective applications, the C.As. are allowed. The applicants are allowed to bring L.Rs. on record. The names of L.Rs. be incorporated today itself. The abatement of O.A. against the deceased applicants thus set aside. The Id. P.O. also agreed to argue the matter on merits.

3. The matter is of 2013. Since the matter is already heard for a considerable time, it be kept after one week for final hearing.

S.O. 2/8/2017.

Vice Chairman (J)

dnk.

O.A. 632/2016

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

Dated : 26.07.2017.

C.A. 93/2017

None for the applicants.

Shri A.M. Ghogre, Id. P.O. for the
respondents.

S.O. 23/8/2017 along with other connected
matters.

Vice Chairman (J)

dnk.

O.A. 633/2016

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

Dated : 26.07.2017.

C.A. 94/2017

None for the applicants.

Shri A.M. Ghogre, Id. P.O. for the
respondents.

S.O. 23/8/2017 along with other connected
matters.

Vice Chairman (J)

dnk.

O.A. 634/2016

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

Dated : 26.07.2017.

C.A. 95/2017

None for the applicants.

Shri A.M. Ghogre, Id. P.O. for the
respondents.

S.O. 23/8/2017 along with other connected
matters.

Vice Chairman (J)

dnk.

O.A. 344/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 26.07.2017.

C.A. 279/2017

Ku. K.K. Pathak, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel for the applicant wants to place on record the Recruitment Rules by way of this amendment and also wants to incorporate the pleadings regarding in the said Rules. For the reasons stated in the application, the amendment is allowed in the interest of justice. The same shall be incorporated within a week.

3. The learned CPO seeks time to file comprehensive reply in the O.A. The copy of the amended O.A. be given to the other side.

S.O. 16/8/2017 for filing reply.

Vice Chairman (J)

dnk.

Rev.A.3/2017 in O.A. 828/2016

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 26.07.2017.

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2 none for R-3&4.

Learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

Heard. Admit.

Learned P.O. waives notice for R-1&2.

S.O. 2/8/2017 for final hearing.

Vice Chairman (J)

dnk.

O.A. 26/2017

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

Dated : 26.07.2017.

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the Respts.

No rejoinder is filed.

Heard. Admit.

Learned P.O. waives notice for the respondents.

S.O. 9/8/2017 for final hearing.

Vice Chairman (J)

dnk.

O.A. 44/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 26.07.2017.

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

Since the pleadings are complete, the matter is admitted and kept for final hearing.

Ld. P.O. waives notice for the respondents.

S.O. 16/8/2017.

Vice Chairman (J)

dnk.

O.A. 142/2017

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

Dated : 26.07.2017.

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

At the request of Id. P.O., **S.O. 9/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A. 291/2017

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

Dated : 26.07.2017.

Shri N.D.Thombre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 5. None for R-6.

Learned P.O. files reply on behalf of R-3. It is taken on record. Copy is given on the applicant. Ld. P.O. seeks time to file reply of R-2.

S.O. 9/8/2017.

Vice Chairman (J)

dnk.

O.A. 323/2017

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

Dated : 26.07.2017.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id .P.O. for R-1 to 3. None for R-4.

2. The applicant has challenged the order passed by respondent no.2 on 26/5/2017 whereby the applicant has been transferred on the post of First Clerk from the office of Executive Engineer, Allapalli to the office of Executive Engineer, Sironcha. The learned counsel for the applicant submits that the application can be disposed of, if the directions is given to respondent no.2 to decide his representation. The learned counsel for the applicant has also

placed on record a copy of the representation dated 20/6/2017 for cancellation of his transfer which is at 'Exh-X' for the purposes of identification. The learned P.O. has no objection for issuing directions. In view thereof, the following order :-

ORDER

The O.A. stands disposed of with a direction to respondent no.2 to take proper decision on the representation filed by the applicant as per Exh-X dated 20/6/2017. Such decision shall be taken within one month from the date of this order and the same shall be conveyed to the applicant in writing. No order as to costs.

Steno copy be given to the ld. counsel for the parties.

Vice Chairman (J)

dnk.

O.A. 376/2017

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

Dated : 26.07.2017.

Shri N.N.Thengre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. P.O., **S.O. 9/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A. 445/2017

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

Dated : 26.07.2017.

Shri G.K. Bhusari, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri S.N. Gaikwad, Id. Counsel for R-2. None for R-3.

At the request of Id. P.O., **S.O. 9/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A. 540/2017

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

Dated : 26.07.2017.

Shri P.S. Sahare, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. After hearing the matter for a considerable time, the Id. Counsel for the applicant seeks time to take instructions from the applicant whether the O.A. can be withdrawn or not. Hence, put the matter after one week.

S.O. 2/8/2017. (P.H.)

Vice Chairman (J)

dnk.

O.A. 34/2014

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

Dated : 26.07.2017.

Shri S.Y. Deopujari, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3&4.

2. Learned P.O. submits that original record is required to be procured from the Government and therefore three weeks' time may be given for producing the same. It seems that sufficient time has already been given to the respondents. However, in the interest of justice one more chance is given for the same. The learned P.O. shall see that some responsible officer is deputed to the Mantralaya and Competent Authority to bring the record before this Tribunal.

S.O. 16/8/2017.

Steno copy be given to the Id. P.O.

Vice Chairman (J)

dnk.

O.A. 735/2015

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

Dated : 26.07.2017.

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

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 93/2017

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

Dated : 26.07.2017.

Heard Shri P.V. Thakre, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the Respts.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 426/2016

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

Dated : 26.07.2017.

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for the respondents.

S.O. 23/8/2017.

Vice Chairman (J)

dnk.

O.A. 770/2016

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

Dated : 26.07.2017.

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

At the request of Id. P.O., **S.O. 2/8/2017.**

Vice Chairman (J)

dnk.

O.A. 789/2016

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

Dated : 26.07.2017.

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

At the request of Id. Counsel for the applicant, **S.O. 1/8/2017.**

Vice Chairman (J)

dnk.

O.A. 471/2017

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

Dated : 26.07.2017.

Heard Smt. K.N. Saboo, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. None for R-2.

2. Vide order dated 11/7/2017 the respondent no.2 was directed to file affidavit stating as to why he was not allowing the applicant to join and why salary of the applicant for compulsory waiting period shall not be recovered from him. The applicant has filed service affidavit showing that the respondent no.2 has been served.

3. The learned CPO also submits that he has also intimated the order passed by this Tribunal on 11/7/2017 to respondent no.2, but the respondent no.2 has not turned over. The learned counsel for the applicant submits that the name of Chief Executive Officer, Zilla Parishad, Gondia is Mr. Mangesh Mohite. In view thereof, issue show cause notice to the respondent no.2 CEO, Z.P. Gondia Mr.

Mangesh Mohite directing him to explain as to why he has not complied with the order dated 11/7/2017 and as to why action shall not be initiated against him for not allowing the applicant to join in place of Mr. R.L. Puram. The respondent no.2 CEO, Z.P. Gondia Mr. Mangesh Mohite shall personally appear before this Tribunal and shall submit his explanation on the show cause notice. The applicant shall serve the notice to the respondent no.2.

4. The learned CPO is also requested to serve the copy of the order to respondent no.2 CEO, Z.P. Gondia.

S.O. 9/8/2017.

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

O.A. 136 of 2017

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

Dated : 26.07.2017.

ORDER-

Heard Shri R.V. Shiralkar, Id.
Counsel for the applicant and Shri P.N.
Warjurkar, Id. P.O. for the respondents.
The matter is heard and decided at the
admission stage with the consent of the
parties.

2. The applicant applied for the
post of Kotwal in pursuance of the
advertisement dated 31/10/2015 for
village Sawali which was reserved for

Open (female). From the admitted facts on record it seems that the applicant along with other candidates participated in the process and the final select list was published as per Annex-5 in which the applicant has been shown at sr.no.3 having 71.3 marks out of 100. One Sau. Ashwini Vaibhav Ingole was selected who is at sr.no.2 since she got 87 marks out of 100. Accordingly, the appointment order was issued in favour of Sau. Ashwini Vaibhav Ingole on 10/3/2016. It is admitted fact that Sau. Ashwini Vaibhav Ingole accordingly joined the services, but resigned from the post within 12 days. The post is vacant since then.

3. The applicant filed representation and requested that since the post of Kotwal is lying vacant and she being second meritorious candidate, she be appointed on that post.

4. The learned counsel for the applicant invited my attention to the recommendation dated 9/6/2016 (A-11,P-34) made by the respondent, vide said letter the case of the applicant was recommended to the SDO. However, no appointment order was issued in favour of applicant. The applicant has therefore filed this O.A. and has sought directions to the respondent no.3 to issue appointment order in her favour.

5. The respondent nos. 2&3 have filed reply-affidavit. According to the respondents, Sau. Ashiwini Vaibhav Ingole was appointed and therefore the process of selection has been completed and there was no procedure to prepare waiting list. The applicant was not on waiting list and there is no rule to appoint second meritorious candidate in case the post become vacant.

6. The learned P.O. has placed reliance on one G.R. dated 19/10/2007 which deals with the procedure to be followed in case of appointment of candidate for Group-C employee. The learned P.O. has placed reliance on para-9 of the said procedure. The said Clause-9 reads as under :-

*^fuOMl pph dkye; k& fuOM I ferhus
r; kj dsyh fuOMl ph 1 o'kk k Bh fdok uohu
I ph r; kj dj.; kl k Bh I skHkjrph tkfgjkr
ns; kr ; bdy] R; k fnukadki ; r ; ki sh tksfnukad
vk/kh ?Msy R; k fnukadki ; r fo/khxtg; Bjsy-
R; kuarj gh fuOMl ph 0; i xr gkby-*

*fuOM I ferhusr; kj dsy; k fuOMl phe/kuu
tsBrut kj menokjph fu; phl k Bh f'kQkl
dy; kuarj f'kQkl dsyk menokj I nj inkoj
gtj u >ky; kl fdok I af/kr inkp; k I ski ds k
fu; ekthy rjrphut kj fdok tkrh iek.ki=
fdok vU; dksR; kgh dkj.kkLro I af/kr
menokj fu; phl k Bh ik= Bjr ul Y; kps
vk<Gu vkY; kl fuOMl phrhy vfrfjDr
menokjke/kuu vU; menokjph ekx.kh fuOM
I ferhdMs fu; phl ikf/kdk& kl djrk ; bdy-
v'kh ekx.kh vkY; kl fuOM I ferhus
fuOMl phP; k fo/kh xtg; rP; k vk/khu jkgu I nj*

*fuOM I p̄he/kuu t̄sBr̄uul kj o ioxk̄l̄ul kj i k̄hy
menokj̄k̄ph f'kQkjI dj̄koh- ek= fuOMI p̄h
r; kj dj̄rkuk fopkj̄kr ?kr̄ȳ; k fjDr i n̄k̄; k
0; fr̄fjDr uar̄j ekx.kh vkȳ; k fd̄ok fjDr
>kȳ; k i n̄k̄ kBh I nj fuOMI p̄he/kuu
fu; Ør̄hl kBh menokj̄k̄ph f'kQkjI dj̄rk ; sk̄j
ukgh- I njph fjDr i ns u0; kus fuOMi fdz k
d#u Hkj. ; kr ; koh- R; keiGsu0; kusi k=rk /kkj.k
dj.kk&; k menokj̄k̄uk I ãkh feGsy-***

7. It is material to note that this G.R. is not pleaded in the reply affidavit. In spite of the fact, if the clause 9 of the said procedure is taken into consideration, it will be clear that in the very first sentence it has been mentioned that the list of candidates to be appointed shall be valid for one year and the procedure to be followed for re-appointment of the candidates will come into operation only after lapse of this one year. In the present case, the selected candidate Smt. Ingole joined the post on 11/3/2016 and resigned her post on 23/3/2016, i.e., just within 12

days. There was absolutely no reason for respondents to deny appointment of the applicant since she was selected on merit at sr.no.2. It will not also be in the interest of justice and equity to initiate the process of recruitment for one post again when the meritorious candidate is available and when the said candidate has been duly selected by the competent authority.

8. The learned counsel for the applicant invited my attention to the appointment order of Smt. Ingole dated 10/3/2016 which is at Annex-6. He submitted that the condition mentioned in the said order has not been complied by Smt. Ingole and therefore her appointment was not in fact finalised. Whatever may be the cause, the facts remains that the applicant has been selected on merit at sr.no.2 and therefore when the candidate appointed at sr.no.1 and has resigned, it

will not be justified on the part of respondent no.3 to deny appointment to the applicant. Hence, following order.

ORDER

The O.A. is allowed. The respondent no.3 is directed to issue appointment order in favour of applicant for the post of Kotwal of village Sawali Dist. Wahsim. Such appointment order shall be issued within one month from the date of this order . No order as to costs.

Vice Chairman (J)

dnk.