

**O.A. No. 473/2009.**

**Coram: Shri Rajiv Agarwal,**  
**Vice-Chairman (A) and**  
**Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 4<sup>th</sup> July 2017.**

Heard Shri S.P.Palshikar, Adv. holding for Shri R.V. Shiralkar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of the learned counsel for the applicant, **S.O. 5<sup>th</sup> July 2017.**

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No.699 /2016.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

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

At the request of Ld. P.O., S.O. **7<sup>th</sup> July 2017.**

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No. 88/2017.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

Heard Shri A.P. Sadavarte, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent 1 & 2. Shri K.S. Malokar, Ld. Advocate for R.3 & 4.

2. The learned counsel for the applicant states that the applicant is seeking a very limited relief in this O.A. Applicant's case is that, his case of promotion admittedly was considered in the meeting of Departmental Promotion Committee (DPC) for the year 2015-2016 which was held on 28.10.2016. However, as at that time disciplinary proceedings under Rule 8 of the M.C.S.(Discipline and Appeal) Rules, 1979 was pending against him, he was not considered for promotion. Subsequently by order dated 19.11.2016, minor punishment of stoppage of two increments without cumulative effect has been imposed upon the applicant in the departmental enquiry. The learned counsel for the applicant states that in the changed circumstances, the applicant can be given benefit of the Circular/G.R. dated 2.4.1976 and another G.R. of 22.4.1996 and may be promoted and made to undergo minor punishment in the promoted post.

3. The learned P.O. stated that the applicant has filed an appeal against the order of punishment and

the appeal is still pending. The learned counsel for the applicant prayed that directions may be issued to the appellate authority to expedite the disposal of the appeal also.

4. Considering the fact that the applicant is seeking very limited reliefs in this O.A., we are inclined to grant the same.

5. The appellate authority i.e. the Hon'ble Governor of Maharashtra is requested to expeditiously dispose of the appeal filed by the applicant. It will be appreciated if the appeal could be disposed of within a period of three months from the date of this order. As regards promotion of the applicant, request of the applicant that his case may be dealt with in accordance with the Circular / G.R. mentioned by him is reasonable. The State Government may call a review D.P.C. meeting to consider the case of the applicant for promotion in the light of provisions of the aforesaid Circular / G.R. within a period of three months from the date of this order. O.A. is disposed with these directions with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 157/2009.**

**Coram: Shri Rajiv Agarwal,**  
**Vice-Chairman (A) and**  
**Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

1. Heard Shri S.M. Khan, Advocate holding for Shri P.C. Marpakwar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4, 6 and 7.
2. The applicant is seeking the following reliefs:-
  - “(i) Issue appropriate directions or writ requiring the respondent Nos. 1 to 3 to take suitable action in respect of candidates, who were unable to submit caste validity certificate.
  - (ii) Update the seniority list of Scientific Assistants, Class-III and promote the applicant to the post of assistant Chemical Analyzer as a S.T. candidate.
  - (iii) Grant further or any other relief as is deemed fit and proper in the facts and circumstances of the case.”
3. The learned counsel for the applicant states that the applicant was given promotion to Class-II post on 7.8.2011 and also given promotion to Class-I post on 4.1.2017. The main relief sought by the

applicant that he should be given promotion has, therefore, been accepted by the State Govt. Now the

applicant has raised issue regarding caste validity certificate of the private respondents and he is also seeking deemed date of promotion on the basis of promotion given to the persons who were junior to him in ST category and one of them at least was not able to produce caste validity certificate. He, therefore, prays that his prayer for grant of deemed date of promotion to Class-II post may be considered by this Tribunal.

4. We have already reproduced the prayers made by this applicant in this O.A. His main prayer for giving promotion to Class-II post and subsequently to Class-I post has already been considered by the State. If he has any grievance about deemed date of promotion, he may make representation to the State Govt. in that regard and if the same is made within a period of one month from today, the State Govt. is directed to decide the same within a further period of three months. O.A. is, therefore, disposed of with these directions with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 203/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. P.O. places on record a copy of order dated 9.2.2007 issued by respondent No.3, appointing the applicant in the post of Krishi Sevak from SC/Sports person category. As relief sought by the applicant has already been granted by respondent No.3, nothing survives in this O.A. which is disposed of with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 111/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

Heard Mrs. B.P. Maldhure, the Ld. Counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Counsel for the applicant files rejoinder, the same is taken on record and copy thereof is supplied to the Ld. P.O.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)



**O.A. No. 317/2014.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

Heard Shri P.D. Meghe, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

**S.O. 7<sup>th</sup> July 2017..**

To be treated as part heard.

Put up with O.A. No.426/2014.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 431/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 390/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

Heard Shri S.M. Khan, Adv. holding for Shri P.C. Marpakwar, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. None for R. 4 to 7.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 366/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 358/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

Heard Shri S.P. Palshikar, the Ld. Counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for respondents 1 to 3. None for R. 4 and 5.

It appears that the copy of affidavit in reply of R. 1 to 3 dated 18.8.2009 was not handed over to the applicant. Same is made available to the learned counsel for the applicant. Case is fixed for final hearing on **6<sup>th</sup> July 2017.**

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No. 303/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

**O.A. No. 433/2015.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

Heard Mrs. S.W. Deshpande, the learned counsel for the applicant and Mrs. S.V. Kolhe, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 333/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

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

The Ld. P.O. places on record a copy of the G.R. dated 28.3.2012, promoting the applicant to the post of Assistant Director of Employment and Self Employment, Class-I. This was the relief sought by the applicant in the O.A. As the applicant has already been granted relief sought by him in this O.A., nothing survives in this O.A. which is disposed of with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)



Pdg

**O.A. No. 432/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

**O.A. No. 96/2016.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

Heard Shri Bharat Kulkarni, the Ld. Counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No. 361/2009.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 4<sup>th</sup> July 2017.**

Heard Shri P.S. Patil, Adv. holding for Shri A. Sambre, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent No.1. None for R. 2 to 6.

On instructions, the Ld. Counsel for the applicant Shri Patil stated that he applicant is desirous of withdrawing the O.A. and seeks withdrawal of the same. Permission to withdraw the O.A. is granted. O.A. stands disposed of as withdrawn.

Vice-Chairman (J)      Vice-Chairman (A)

**O.A. No. 437/2017.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

**C.A. 288/2017.**

Heard Shri P.S. Patil, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

The applicants are seeking to participate in the selection process for the post of Field Worker and they had challenged the present selection process started by the District Health Officer, Amravati. As the applicants have common cause, application to sue jointly is allowed subject to payment of Court fee if not already paid.

**O.A. No. 437/2017.**

1. Issue notice to R. 2 to 5 returnable after **four weeks.**
2. Shri S.A. Deo, the learned C.P.O. waives notice for respondent No.1. 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.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No. 820/2015.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

**C.A. 290/2017.**

Heard Shri N.D. Thombre, the Ld. counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondents.

This is an application for grant of early hearing of the O.A. Matter may be kept at the bottom of the board Friday i.e. on **7<sup>th</sup> July 2017.**

**O.A. No. 820/2015.**

Reply submitted by the learned P.O. is taken on record.

**S.O. 7<sup>th</sup> July 2017.**

Vice-Chairman (J)

Vice-Chairman (A)

**O.A. No. 759/2013.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

**R.A. 12/2016.**

Heard Shri A.J. Kadu, the Ld. counsel for the applicant (original R.4). Mrs. M.A. Barabde, the learned P.O. for the respondents 1 & 2. Shri R.V. Shiralkar, Adv. for the original applicant. None for R.3.

Place this matter before the regular D.B. when available.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No. 759/2013.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

**R.A.No.13/2016.**

Heard Smt. M.A. Barabde, learned P.O. for the applicant Nos. 1 and 2 (original respondent Nos. 1 and 2) and Shri R.V. Shiralkar, the learned counsel for the respondent No.3 (original applicant). None for R. 1 & 2 (Original respondent Nos. 3 and 4.)

Place this matter before the regular D.B. when available.

Vice-Chairman (J)

Vice-Chairman (A)



**O.A. No.13 /2016.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld P.O. states that in this O.A. reply of State Govt./respondent No.1 is necessary, as the order passed by the State Govt. is challenged in this O.A.

S.O. **four weeks** for filing reply of R.1.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

**O.A. No.581 /2014.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 to 3. Shri S.C. Deshmukh, the learned Advocate for R. 4 to 12.

At the request of the Ld. counsel for the applicant, S.O. **6<sup>th</sup> July 2017.**

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

**O.A. No. 688/2016.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

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

We find that from the O.A., the applicant has not been able to make out a case that any person junior to him has been promoted. As such, whether any cause of action has arisen is not very clear. At this state, the learned counsel for the applicant sought leave to withdraw the O.A. with liberty to file a fresh O.A. bringing out clearly the fact and the reliefs sought by him. O.A. stands disposed of as withdrawn with liberty to file a fresh O.A.

No order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

**O.A. No. 394/2007.**

**Coram: Shri Rajiv Agarwal,  
Vice-Chairman (A) and  
Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> July 2017.**

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. This O.A. was filed by the applicant seeking promotion to the post of Regional Transport Officer (RTO) and also deemed date of promotion. During the pendency of the O.A., the applicant has been promoted to the post of RTO on 4.8.2008. This O.A., therefore, is disposed of with liberty to the applicant to seek deemed date of promotion and make an application to the competent authority in this regard. A decision on such representation if filed by the applicant within one month from the date of this order, will be taken by the respondents within **three months**. With this direction, O.A. stands disposed of with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

**04.07.2017**

M.A 35/2017 in O.A No 808/2016

Shri S.A Gid & Ors                      ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

Heard Shri N.S Badhe, learned advocate for the Applicant and Shri M.I Khan, learned P.O for the Respondents.

This Misc Application has been filed by the Applicant seeking correction of date which has inadvertently been included in the order and judgment dated 10.3.2017 in O.A 808/2016 passed by this Tribunal.

In para 6 by the order and judgment dated 10.3.2017, impugned order dated 24.2.2016, was quashed and set aside. This impugned order stayed the earlier order dated 13.1.2016. Learned Advocate Shri Badhe stated that the effect of quashing the impugned order dated 24.2.2016 would obviously and logically would have been to restore the order dated 13.1.2016. However, inadvertently, probably as a typographical mistake the date mentioned in para 6, line 5 of the judgment and order is 24.2.2016 while it should be 13.1.2016. Therefore in line 5 of the judgment and order dated 10.3.2017 in O.A 808/2016 date 24.2.2016 should be read as 13.1.2016.

Learned P.O has nothing to say in the matter. Whatever has been stated by Learned Advocate Shri Badhe is logical and correct.

Misc Application is accordingly allowed. In para 6, line 5 of the judgment and order dated 10.3.2017 in O.A 808/2016, the date should be read as 13.1.2016 instead of 24.2.2016.

**(Rajiv Agarwal)**

**Vice-Chairman (A)**

Akn