

O.A. (St.) No. 1432/2016.

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

Dated : 5th July 2017.

C.A.No.365/2016.

Heard Shri D.S. Sawarkar, the Ld. Counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

2. Though the applicant has stated in the C.A. that delay is of 4 years and 5 months. But we find that the order of punishment was appealed against by the applicant and the State Government has passed an order in appeal on 15.10.2015 and the O.A. has been filed on 22.7.2016. Cause of action arose when the appeal was dismissed by the State Government and there is a delay of hardly a couple of months in filing the O.A. That being the case, delay is condoned and the C.A. is allowed.

O.A. (St.) No. 1432/2016.

Issue notice returnable after four weeks.

2. Shri A.M. Khadatkar, the learned 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. 70/2017.

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

Dated : 5th July 2017.

C.A.No.233/2017.

**Heard Shri A.P. Sadavarte, the Ld. Counsel
for the applicant and Shri V.A. Kulkarni, the
learned P.O. for the respondents.**

Closed for orders.

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

pdg

O.A. No. 372/2017.

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

Dated : 5th July 2017.

C.A.289/2017.

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

This C.A. is to amend the O.A. and bring on record latest order issued by Dean, Govt. Medical College and Hospital, Nagpur on 21.6.2017. By this amendment, nature of the O.A. is not going to be materially affected. Amendment sought is, therefore, allowed. The Ld. Counsel for the applicant undertakes to amend the O.A. within a period of one week and serve copy of amended O.A. on the respondents.

The respondents may file reply within **four weeks.**

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 351/2015.

Coram: Shri Rajiv Agarwal,

Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).

Dated : 5th July 2017.

C.A.295/2017.

Heard Smt. B.M. Kasare, Ld. Counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

The C.A. for grant of early hearing of the O.A. is allowed. Matter be kept for final hearing on 7th July 2017.

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

pdg

O.A. No. 614/2015.

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

Dated : 5th July 2017.

C.A.317/2017.

Heard Shri S.M. Khan, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. Shri Gaurao Sengar, Adv. for R.7. None for R. 4,5,6 & 8.

It appears that the copy of the C.A. seeking amendment has not been served on the private respondents. The Ld. Counsel for the applicant undertakes to serve copies on the private respondents today only.

Matter may be kept after one month.

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

pdg

O.A. No. 110/2017.

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

Dated : 5th July 2017.

Heard Shri A.B. Dhulaj, the applicant in person and Shri S.A. Deo, the learned C.P.O. for the respondents 1 to 3. None for R. 4 & 5.

The learned CPO has placed on record a copy of letter dated 4.7.2017 from respondent No.1. He has been informed that the representation made by him against the three years' adverse entries in his ACRs will be taken within a period of 45 days. It is also clarified that in the next meeting for promotion of officers working in the cadre of Additional Collector to the cadre of IAS is likely to be taken after December 2017.

S.O. 21st August 2017.

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

pdg

O.A. No. 282/2013.

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

Dated : 5th July 2017.

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

S.O. 7th July 2017.

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

pdg

O.A. No. 142/2012.

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

Dated : 5th July 2017.

**Heard Shri Bharat Kulkarni, the Ld.
Counsel for the applicant and Shri A.M.
Ghogle, the learned P.O. for the respondents.**

Closed for orders.

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

pdg

O.A. No. 85/2010.

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

Dated : 5th July 2017.

C.A. 316/2017.

**Heard Shri S.M. Khan, Adv. holding for
Shri P.C. Marpakwar, the Ld. Counsel for the
applicant and Shri S.A. Sainis, the learned
P.O. for the respondents.**

Closed for orders.

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

pdg

O.A. No. 451/2017.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.**

Heard Shri T.G. Bansod, the Ld. Counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for respondents 1 to 3. None for R.4.

2. Claim of the applicant is that, he should have secured 72 marks out of 100 in the written test. He has attempted 99 questions and answered 72 correctly. This can be by comparing copy of answer sheet with key answers displayed by the respondents. The applicant was given carbon copy of the answer sheet and when he

checked the answer sheet, he found that he should have been awarded 72 marks and that he should have been selected. He, therefore, prayed that the respondents may be restrained from giving appointment to the respondent No.4. It appears that respondent No.4 has not been served. So his request is premature.

3. Issue notice to R. 2 to 4 returnable after four weeks.

4. Shri S.A. Deo, the learned C.P.O. waives 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.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 427/2014.

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

Dated : 5th July 2017.

**Heard Shri S.P. Palshikar, the Ld. Counsel for
the applicant and Shri A.P. Potnis, the learned
P.O. for the respondents 1 to 3. None for R.4.**

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 303/2015.

Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.

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

2. Issue involved in this O.A. is the qualification for the post of Surveyor in Land Records Department.

3. as per the Recruitment Rules, a candidate should possess a diploma in Civil Engineering or two years Surveyor course from I.T.I. The Ld. Counsel for the applicant has produced a copy of G.R. dated 28.9.2012 in which various courses of I.T.I. and examinations conducted by the Vocational Training Examination Board are recognized as equivalent. In that G.R., Draughtsman (Civil) course of I.T.I. has been treated as equivalent to certificate course in Architectural draughtsman. Claim of the applicant is that, he has a qualification of certificate course in Architectural Draughtsman which is equivalent to Draughtsman (Civil) course

and so he should be held eligible to be considered for at least to the post of Surveyor in Land Records Department. Going through the Recruitment Rules, it appears that the requisite qualification for appointment to the post of Surveyor in Land Records Department is two years' I.T.I. course in Surveyor and not Draughtsman (Civil).

4. As the applicant does not hold requisite qualification or qualification recognized by Govt. of Maharashtra as equivalent to requisite qualification, we do not find any merit in this O.A. Same is dismissed with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 606/2015.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.**

Heard Shri S.M. Khan, the Ld. Counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

S.O. four weeks.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 480/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and**

Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.

Heard Shri S.P. Palshikar, the Ld. Counsel for
the applicant and Shri M.I. Khan, the learned P.O.
for the respondents.

Closed for orders.

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

Pdg

O.A. No. 678/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.
C.A.Nos.560/2016 & 44/2017.

Shri G.G. Bade, the Ld. Counsel for the
applicant and Shri A.M. Khadatkhar, the learned
P.O. for respondents 1 to 4. None for R. 5 to 10.

At the request of the Ld. P.O., S.O. 6th July
2017.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 627/2007.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.**

Heard Shri V.G. Wankhede, 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. 146/2008.

Coram: Shri Rajiv Agarwal,

Vice-Chairman (A) and

Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 5th July 2017.

Oral order

Heard Smt. S.W. Deshpande, the learned Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. Issue raised by the applicants in this O.A. is that they were initially selected in Class-III post through M.P.S.C. and later on was treated as Class-II w.e.f. 1.4.1981. As per total number of posts, the learned counsel for the applicants stated that 31 posts should have been reserved for SC category candidates for promotion to the next higher post in the cadre of Assistant Director of Animal Husbandry. The applicants' junior persons belonging to SC category were promoted over them. More than 31 posts were already filled in the cadre of Assistant Director of Animal Husbandry from SC candidates. As per Govt. policy, if SC or other category candidate is promoted from Open category as and when roster point is made available, he is to be adjusted against that category. In such cases, treating the backward class candidates, who were promoted against Open category as Open category candidates and filling reserved vacancies by promoting candidates from backward class category, who may be junior to Open

candidates, is illegal. In support of the claim of the applicants, the learned counsel for the applicants undertook to make available the following documents to the extent possible:-

(i) Original Selection List prepared by MPSC / subsequent Provisional / Final Working Seniority List in the cadre of Livestock Development Officer.

(ii) The date on which the persons junior to the applicant from SC category were promoted as Assistant Director of Animal Husbandry and on that date number of SC persons working as Assistant Director of Animal Husbandry. As many of these details may be available with the respondents, the Ld. P.O. should also produce these documents, specially seniority list mentioned in the affidavit dated 28.1.2009 in para 1.

S.O. 7th July 2017.

To be treated as part heard.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 413/2009.

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

Dated : 5th July 2017.

None for the applicant. Heard Shri H.K. Pande, the learned P.O. for respondents 1 to 3. None for R. 4 to 15.

The learned P.O. stated that the applicant was seeking revision of seniority list of Naib Tehsildars in Nagpur Division in the present O.A. The respondents have since published final seniority list of Naib Tehsildars from 31.12.2012. The applicant has also been promoted to the post of Tehsildar by order dated 18.7.2012. As the main relief sought by the applicant in this O.A. has been granted by the respondents, nothing survives in the O.A. and it is disposed of with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 473/2009.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 5th July 2017.**

Heard Shri R.V. Shiralkar, the learned counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

2. The applicant had applied from OBC and D.T. (A) category respectively for the post of Drug Inspector, vide advertisements issued by MPSC on three occasions i.e. 21.12.2007, 11.2.2008 and 29.7.2008. A very large number of applications were received, the Commission decided to hold a screening test to limit the number of candidates. In the affidavit in reply filed on behalf of respondent No.2 dated 15.9.2009, it is stated that the applicants could not clear the screening test. As they could not obtain minimum prescribed marks in the said test, they were, therefore, not called for interview.

3. As the applicants could not clear the screening test and they were not eligible to be called for interview, they could not have any grievance about their non selection to the post of Drug Inspector. There is no merit in this O.A. and it is dismissed with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

