

O.A. No. 408/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Ms. A. Sudame, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 7. None for R-8.

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

Member (J)

Member (A)

dnk.

O.A. Nos. 02/13 & 03/13 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Heard Shri D.T. Shinde, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for R-1 to 3. None for remaining respondents.

Closed for orders.

Member (J)

Member (A)

dnk.

O.A. No. 1016/2018 with C.A. 51/19 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Heard Shri P.A. Jibhkate, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 and Shri R. Tajne, Id. counsel for R-4&5. Await service of R-2&3.

For the reasons stated in the C.A., the O.A. stands disposed of as withdrawn. No order as to costs.

The C.A. also stands disposed of accordingly.

Member (J)

Member (A)

dnk.

O.A. No. 133/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Shri K.D. Manwatkar, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1&2 and Shri S.P. Palshikar, Id. counsel for R-3.

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

Member (J)

Member (A)

dnk.

O.A. No. 513/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

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

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A. No. 830/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

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

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

Member (J)

Member (A)

dnk.

O.A. No. 213/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Shri P.A. Jibhkate, Id .counsel for
the applicant and Shri V.A. Kulkarni, Id.
P.O. for the respondents.

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

Member (J)

Member (A)

dnk.

O.A. No. 298/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

None for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1&2 and R-3 separately. Copies of the same are taken on record.

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A. No. 603/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

None for the applicant. Shri A.P. Potnis, Id .P.O. for R-1. Await service of R-2&3.

It seems that service affidavit of R-2&3 is yet not filed. The applicant to file necessary service affidavit on the next date.

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A. No. 621/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

None for the applicant. Shri A.P. Potnis, Id .P.O. for R-1 to 3 and Shri S.P. Chavan, Id. counsel for R-4 to 6.

At the request of Id. counsel for R-4 to 6, **S.O. two weeks.**

Member (J)

Member (A)

dnk.

O.A. No. 696/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&2. Await service of R-3.

2. The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served to the learned counsel for the applicant. He wants to go through and the same and seeks time to file rejoinder, if any.

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

Member (J)

Member (A)

dnk.

O.A. No. 858/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

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

The Id. P.O. submits that he will
file reply during the course of day and
supply the copy to the other side.

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A. No. 1024/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The applicant was appointed in service on contractual basis, the first appointment order is dt/6-5-1999 Anx. A
3. The order was issued on the basis of the G.R. dt/19-3-1999 which is at Anx.1. The Government had authorised the Additional Collector/Competent authority to appoint one driver on contractual basis, in pursuance of this G.R. the applicant was appointed. It seems from the documents and pleadings that the applicant was continued in service on the same terms so long as the work was available and vide letter dt/25-11-2016 the applicant was informed that as the vehicle was Wright off since before two years there was no vehicle with the office

Additional Collector/Competent authority, therefore, the service of the applicant was not required and service could be terminated at any time. The applicant was specifically given understanding that he was appointed on contractual basis and the appointment was accepted by him accepting the terms mentioned in the appointment order and the applicant had executed bond, therefore, his request for regularization of service could not be considered.

3. It seems that as per case of the applicant after 25-11-2016 the Additional Collector/Competent authority never issued appoint order to the applicant and he is out of job. Thus the applicant was aware that his service was terminated so also claim for the regularization in service, with this knowledge the applicant remained silent for period more than two years. It is contention of the applicant that the Additional Collector/Competent authorities for the first time informed him that his request could not be considered vide letter dt/25-11-2016, therefore, this application is barred by limitation. In view of the above facts as the appointment was purely on contractual basis and it is

barred by limitation, therefore, we are of the view that there is no merit in this application, hence O.A.is dismissed with no order as to cost.

Member (J)

Member (A)

dnk.

Dated - 11/02/2019.

O.A. No. 767/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Shri M.V. Joshi, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Member (J)

Member (A)

dnk.

O.A. No. 448/2014 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 4. None for remaining respondents.

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

Member (J)

Member (A)

dnk.

O.A. No. 95/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Heard Shri S.E. Raghorte, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 returnable in **three 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. In the meantime, the Id. CPO to file reply-affidavit till the next date.

9. **S.O. three weeks.**

Member (J)

Member (A)

dnk.

O.A. No. 503/2015 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Heard Shri A.D. Girdekar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. The matter pertains to the appointment of Talathi and as per the advertisement dated 14/05/2010 (Annex-A-3,P-24). It appears that after the examination and personal interview the applicant was selected to fill the post of Talathi NT (B) (female) category. The applicant scored 132.50 marks and her name was at sr.no.20 in Annex.-A-6.

3. After representation made by respondent no.3, i.e. Ku. Nanda R. Kukade revised selection list was published. (from P.B. page nos. 33 to 35

both inclusive) In that revised selection list name of the applicant was removed and the respondent no.3 was shown as selected candidate at sr. no. 20. The name of the applicant was shown in the waiting list at sr.no.16 NT (B) (female) candidate.

4. However, the learned counsel for the applicant has invited our attention to the reply filed by respondent no.3 at P.B. page nos. 67 and 68. On page no.68 in para no.2 the respondent no.3 clearly mentioned that since the respondent no.3 is already working as Junior Clerk, therefore, she was not at all interested in the post of Talathi, therefore, she was not claiming for that post. The post is vacant.

5. In reply-affidavit of respondent no.2 in para-2 of page no.76 it is mentioned as follows ;-

“All the adverse allegations made by the applicant in the present O.A. are denied each one specifically. It is submitted that the post of Talathi from NT (B) (Woman) category is yet to be filled by the office of answering respondent no.2, Collector, Akola as the applicant obtained temporary

injunction order from the Hon'ble Civil Court at Akola and thereafter appeal and second appeals were filed."

6. This action of the respondent no.2 is challenged on the ground that the respondent no.3 did not apply for the post in category NT B Female. The learned counsel for the applicant invited our attention to Annex-A-8, copy of the application submitted by the respondent no.3 in response to the advertisement. The column no.4 was kept blank, the applicant did mention in the application as to in which category she was applying. On perusal of the application it seems that this submission of the applicant is correct.

7. In view of the above discussion as the post is not filled till this date, therefore, we allow the application in terms of prayer clauses 1 to 3. The O.A. stands disposed of with no order as to costs.

Steno copy is granted.

Member (J)

Member (A)

O.A. No. 154/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

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

2. The applicant was appointed after recommendation of the MPSC vide G.R.No. 1098/6092/1054/1983 dated 21/03/1998 (Annex-A2, P-18). Subsequently vide G.R. No. 2202/2115/641/1983 dated 21/04/2005 (Annex-A-4,P-23) as per para-2 (P.B.page no.24) the applicant's previous periods have been regularized and technical break has been condoned. The applicant's services has been treated continuous since 04/01/1993. The applicant has submitted application for V.Rs. dated 02/05/2016 (Annex-A-5,P-25) which has been also

accepted by the Deputy Director, Public Health Department, Akola Circle, Akola (P.B. page no.26). He has also attached No Dues Certificate/ No Inquiry Certificate and other related certificates for V.Rs. as per P.B. page no.27.

3. In view of all these facts it is not understood why vide letter No. Ld fu 1516@i z d i 772@l dk&3] I kozt fud vkj kx; foHkx]e-ky;]epb] dated 19/01/2018 (Annex-A-10,P-35) the applicant's V.R.S. application has been rejected.

4. In view of discussions in forgoing paras, we allow the application in terms of prayer clauses 1 to 3. No order as to costs.

Member (J)

Member (A)

dnk.

Dated – 11/02/2019.

O.A. No. 39/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 11.02.2019

Heard Shri A.Z. Jibhkate, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.Y. Kapgate, Id. counsel for R-4&5.

2. As per the direction in the hearing on 8/2/2019 the learned counsel for the applicant has filed affidavit and in para-4 it is mentioned as follows –

“ I state that I am discharging regular duties, i.e. Massless Rubella, Pulse Polio, OPD and other all work, of which entry is in the official record, I humbly state that till date I am discharging all duties of Medical Officer of Public Health Centre, Punapur and Ayurvedic Dispensary, Chutiya.”

3. However, the learned counsel for respondent nos. 4 and 5 has placed on record letter No. ftixk@vlf0@ v&5@246] dated 31/01/2019 from Chief Executive Officer, Zilla Parishad, Gondia.

4. In view of this, we direct the learned counsel for respondent nos. 4 and 5 to ask Dr. Vikram Katare, Medical Officer to appear before this Tribunal on next date and submit whether or not he has taken charge of applicant, i.e., Dr. P.P. Jameewar of PHC, Chutiya on 31/01/2019.

5. **S.O. 18/02/2019 high on board.**

Steno copy is granted.

Member (J)

Member (A)

dnk.

Dated -11/02/2019.

O.A.(St.) No.3008/2017.

(S.B.)

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

Dated : 11th February 2019.

C.A. No. 561/2017.

Heard Shri S.N. Mahajan, the Ld. counsel for the applicant and Shri A.M. Khadatkar, he learned P.O. for the respondents.

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

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A.(St.) No.937/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

C.A. No. 140/2018.

Heard Mrs. D.S. Charlewar, Adv. holding for Shri S.M. Sarangpure, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. None for R.2.

2. The Ld. counsel for the applicant submits that she wants to add the Superintending Engineer, Irrigation Research Development Circle, Pune as party respondent No. to the O.A. and the C.A. and, therefore, seeks permission. In the interest of justice, permission is granted.

3. Applicant shall add respondent No.3 today itself and shall issue notice to the respondent No.3 returnable **after four weeks**. Hamdast granted.

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(J)

Dt. 11.2.2019.

pdg.

O.A.(St.) No.939/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

C.A. No. 141/2018.

Heard Mrs. D.S. Charlewar, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. None for R.2.

2. The Ld. counsel for the applicant submits that she wants to add the Superintending Engineer, Irrigation Research Development Circle, Pune as party respondent No. to the O.A. and the C.A. and, therefore, seeks permission. In the interest of justice, permission is granted.

3. Applicant shall add respondent No.3 today itself and shall issue notice to the respondent No.3 returnable **after four weeks**. Hamdast granted.

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(J)

Dt. 11.2.2019.

pdg.

O.A.(St.) No.939/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

C.A. No. 141/2018.

Heard Shri S.M. Sarangpure, the
Ld. counsel for the applicant and Shri he
learned P.O. for the respondent No.1.
Shri A.M. Kukday, Adv. for R.2.

S.O.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

**O.A.(St.) No.1138/2018.
(S.B.)**

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.**

C.A. No. 194/2018.

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **two weeks** for filing reply by Ld. P.O.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.160/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri A.Y. Kapgate, the Ld. counsel for the applicant and Shri M.I. Khan, he learned P.O. for the respondents.

S.O. **one week** for filing reply by Ld. P.O. as a last chance.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.161/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri A.Y. Kapgate, the Ld. counsel for the applicant and Shri M.I. Khan, he learned P.O. for the respondents 1 to 3. Shri S.N. Gaikwad, Adv. for R.4. None for R.5.

S.O. **one week** for filing reply by Ld. P.O. as a last chance.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.492/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

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

respondents 1 to 4. Shri Mrs. Dhawas,
Adv. for R.5.

Ld. P.O. has filed reply affidavit on
behalf of R. 2 and 3, it is taken on record
and a copy thereof is supplied to the Ld.
counsel for the applicant. Ld. Adv. for R.4
seeks time to file reply.

S.O. **two weeks.**

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.493/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri M. Yejajul, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 4. Shri Mrs. Dhawas, Adv. for R.5.

Ld. P.O. has filed reply affidavit on behalf of R. 2 to 4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Ld. Adv. for R.5 submits that the respondent No.5 is served and she will file service affidavit during the course of the day.

S.O. **two weeks** for filing rejoinder, if any.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.828/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

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

S.O. **two weeks** for filing reply by Ld. P.O.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.974/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)

Dated : 11th February 2019.

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

The Ld. P.O. has filed reply on behalf of R. 2 and 4, 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 of other respondents.

S.O. **one week** for filing rejoinder by the applicant.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.985/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri A.A. Dhawas, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R.3.

The Ld. counsel for the applicant submits that all the respondents are served and he will file service affidavit within a week. Ld. P.O. seeks time to file reply.

S.O. two weeks.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.06/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri Yejajul, Adv. holding for Shri V.B. Bhise, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

S.O. **two weeks** for filing reply.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.12/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri K.D. Manwatkar, the Ld. counsel for the applicant and Shri S.A. Sainis the learned P.O. for the respondents 1 to 4. None for R. 5 and 6.

The Ld. counsel for the applicant submits that he will file service affidavit of all respondents within a week.

S.O. **three weeks** for filing reply.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.696/2017.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, he learned P.O. for the respondents 1 and 2. None for R.3.

Ld. P.O. has filed reply on behalf of respondent Nos. 1 and 2, it is taken on record and a copy thereof is supplied to the

ADMIT.

Shri V.A. Kulkarni, he learned P.O. waives notice for the respondents 1 and 2.

S.O. **one week** for final hearing.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

**O.A. No.542/2017.
(S.B.)**

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 11th February 2019.**

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

At the request of parties, S.O.
13.2.2019.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.892/2017.

(S.B.)

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

Dated : 11th February 2019.

None for the applicants. Shri H.K. Pande, the learned P.O. for the respondents.

The Ld. P.O. submits that in view of order dated 16.1.2019, the respondent No.2 has sent the proposal to the Pay Verification Unit, Nagpur. Mrs.Shobha Lohi, Head Clerk in the office of respondent No.2 is present before this Tribunal today and submits that necessary action may be taken within two weeks. In view thereof, matter be kept after two weeks.

S.O. two weeks.

Vice-
Chairman(J)

Dt. 11.2.2019.

pdg.

O.A. No.790/2015.

(S.B.)

**(D.A. Raut V/s State of Mah. and
2 others)**

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

Dated : 11th February 2019.

ORAL ORDER

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

2. On 7.2.2019, Shri A.H. Dhargawe, the learned counsel for the applicant appeared and on his request, matter was kept today. As a most last chance, time was granted for argument. On earlier number of occasions, none appeared for the applicant. In spite of specific undertaking, none appeared for the applicant today.

3. The applicant has claimed declaration that the communication dated 22.7.2015 issued by respondent No.3 is illegal, unsustainable and bad in law and further claimed directions against the respondents to absorb him on the post of Vehicle Cleaner / Forest Guard / Watchman. From reply affidavit, filed on behalf of respondent Nos. 2 and 3, it seems that it is an admitted fact that the applicant's name was on the wait list of candidates to be appointed

on compassionate ground and his serial number was 5 in the waitlist dated 12.3.2014. The respondents have filled three posts out of the said wait list, one for the post of Peon and two for Vehicle Cleaner. According to the Government norms, for the post of Peon, the applicant was required to have passed 4th standard passed from the Govt. recognized school and should have been physically fit and for the post of Vehicle Cleaner also, same qualification was required, but with three years' experience of Vehicle Cleaner. The candidates at Sr. Nos. 1 to 3 have been selected, since they have qualified for the post. But the applicant could not be selected, since he was at Sr. No.5 in the seniority list.

4. From reply affidavit, it further seems that as per G.R. dated 22.8.2005, the applicant is

not eligible for any appointment, as he has crossed the age of 45 years. As per the scheme, a candidate who has crossed the age of 45 years has to be deleted from the list of candidates to be appointed on compassionate ground and since the applicant has crossed the age of 45 years, his name was deleted. The G.R. dated 22.8.2005 is placed on record at Annexure A-2 at page No.26, From the said G.R., it seems that as per condition No.2, earlier candidate who has crossed the age of 45 years, was to be deleted from the wait list. The said condition is as under:-

“(2) यापुढे वयाच्या ४० वर्षापर्यंतच्याच उमेदवारांना अनुकंपा नियुक्ती अनुद्नेय असेल. त्यामुळे प्रतिक्षासुचीत नव्याने समाविष्ट होणाऱ्या उमेदवारांना वयाच्या ४० वर्षापर्यंत नियुक्ती न मिळाल्यास त्यांची नावे वयाची ४० वर्ष पूर्ण होताच आवश्यक ती नोंद घेऊन

सूचीतून काढून टाकण्यात
यावीत”.

5. The learned P.O. submits that subsequently the said limit has been extended to 45 years vide G.R. dated 6.12.2010. The Ld. P.O. has filed the notification on record and marked “X” for the purpose of identification.

6. The respondents have also placed on record the minutes of the meeting which is at page Nos. 24 and 25 dated 22.8.2005, from which it seems that the name of the applicant has been deleted, since he has completed more than 45 years of age and the first three candidates on the wait list have been appointed, since they were qualified and were senior. From the impugned communication dated 22.8.2015, it seems to be legal and proper and there is no need to interfere in the said action taken by

the respondent No.3. Hence, I proceed to pass the following order:-

ORDER

The O.A. stands dismissed with no order as to costs.

Vice-Chairman(J)

Dt. 11.2.2019.

pdg.