

O.A. No. 685/2017.

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

Dated : 17th April 2017.

M.C.A.No's 63 & 64 of 2016

None for the applicant. Shri
V.A.Kulkarni, the learned P.O. for R-1 to 3.
None for R-4.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 411/2014.

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

Dated : 17th April 2017.

C.A. NO. 362/2016

Heard Shri S.K.Neware, Id. counsel
for the applicant. Smt. Kolhe, learned P.O.
for Respondents.

Closed for order.

Vice-Chairman(J)

aps

O.A. No. 617/2013.

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

Dated : 17th April 2017.

None for the applicant. Shri P.N.Warjurkar, learned P.O. for Respondents no. 1 to 3. None for R-4.

The Id. P.O. seeks time to submit information as directed by this Tribunal on 07/04/2017. **S.O. 26/04/2017.**

Vice-Chairman(J)

aps

O.A. No. 48/2017.

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

Dated : 17th April 2017.

C.A.07/2017:-

1. Heard Shri P.V.Thakre, Id. counsel for the applicant. Shri P.N.Warjurkar, learned P.O. for Respondents.

2. The applicant did not get the first time bound promotion within time, though he got it late and therefore he has filed this O.A. It is stated that the applicant is Physically Handicapped person and made number of representations to the respondents, but they were not considered. Admittedly there is a delay of three years for filing the O.A. The respondents submitted that the representations were rejected on 23/11/2016, where the same rejection is legal or not can be considered on merits. In the interest of Justice the delay is considered. The C.A. is disposed off accordingly.

3. Issue notice to R-2, returnable within four weeks. Learned P.O. waives notice for R-1.

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. **S.O. after summer vacation.**

Vice-Chairman(J)

O.A. No. 223/2013.

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

Dated : 17th April 2017.

Ms. Pandey, holding for Shri S.Ghate,
Id. counsel for the applicant. Smt. Kolhe,
learned P.O. for Respondents.

Closed for Order.

Vice-Chairman(J)

aps

O.A. No. 177/2011.

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

Dated : 17th April 2017.

Shri Khan, holding for Shri P.C.Marpakwar, Id. counsel for the applicant. Shri A.M.Ghogre, learned P.O. for Respondents no. 1, 2 & 4. None for R-3 & 5 to 9.

Closed for Order.

Vice-Chairman(J)

aps

O.A. No. 639/2016.

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

Dated : 17th April 2017.

Heard Shri P.V.Thakre, Id. counsel for the applicant. Shri P.N.Warjurkar, learned P.O. for Respondents.

In this O.A. the applicant is claiming retiral and other terminal benefits accrued to him and to grant interest on the delayed payment of said amount. The applicant got retired on superannuation on 31/05/2016 as a Deputy Director (ATMA). Admittedly the applicant had received the provisional pension for six months till today, his pension has not been finalized and the arrears has not been paid.

In the reply affidavit by the respondents the respondents are admitted that the applicant is entitled for retiral benefits as claimed. From the reply it seems that some no objection certificate has not been issued and therefore the regularized pension is not paid. It is the duty of the respondents authority to pay the retiral benefits to him within time limit and if it is not

so paid, the respondents are liable to pay interest as per Rule 129 (A-B) of the Maharashtra Civil Services Pension Rule, 1982. No reasons has been made out which can be accepted as true from the reply affidavit for not finalizing the pension and for not paying the retiral benefits. In view thereof the following orders:-

ORDER:-

The respondents are directed to pay the retiral and other remaining benefits to the applicant as claimed by him in para number 6.6. of the O.A. within three months from the order. In case such amount is not paid within three months, the applicant will be entitled to claim interest on the delayed payment of amount as per Rules from the initial date of his Retirement. The applicant may file representation to that effect if the amount is not given within three months. It is needless to say that the applicant needs to co-operate the respondent authority.

Vice-Chairman(J)

aps

O.A. No. 05/2017.

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

Dated : 17th April 2017.

Shri A.D.Mohgaonkar, Id. counsel for the applicant. Shri M.I.Khan, learned P.O. for Respondents no. 1 to 4. None for R-4.

The Id. counsel for the applicant R-4 has filed the reply affidavit on behalf of R-4 in office today. The same is taken on record. Copies are served to the other side. Since the matter is to be decided on or before 21/04/2017 as per the order passed by the Hon'ble High Court on 13/04/2017 in W.P.No. 1331/2017. The matter is kept for tomorrow for final hearing with the consent of the parties. **S.O. tomorrow i.e. 18/04/2017.**

Vice-Chairman(J)

aps

O.A. No. 140/2015.

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

Dated : 17th April 2017.

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

Closed for order.

Vice-Chairman(J)

aps

O.A. No. 833/2012.

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

Dated : 17th April 2017.

Shri A.L.Kawalkar, Id. counsel for the applicant. Smt. Barabade, learned P.O. for Respondents no. 1, 1-a & 2. None for R-3, Shri P.N.Warjurkar for R-4.

The Id. P.O. files affidavit on behalf of respondents no. 1-a, The Secretary, Water Resources, Govt. of Maharashtra. The same is taken on record. Copies are served to the other side. The Id. counsel for the applicant seeks time to go through it. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

O.A. St. No. 2239/2016.

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

Dated : 17th April 2017.

C.A.No. 544/2016:-

1. Heard Shri D.S.Sawarkar, Id. counsel for the applicant. Shri V.A.Kulkarni, learned P.O. for Respondents.

2. The reply affidavit by the Id. P.O. on behalf of R-2. It is taken on record. Copies served to the other side. In the O.A. the applicant has challenged the order dated 21/02/2009 which is marked as (A-3, Pg. No.25), whereby his pay was fixed. It is stated that the said fixation is wrong. The applicant submits that he was posted in the Naxal affected area during these orders and he had made number of representation till 2015 for proper fixation. However, his representation was not considered and therefore, there is delay in O.A. Considering the fact that the issue involved is correct fixation of the pay delayed in the interest of Justice and equity to condone the delay and to hear the matter on merits. The reasons stated in the application, the application for condonation of delay is allowed.

3. Issue notice to R-2 & 3, returnable on four weeks. Learned P.O. waives notice for R-1.

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. **S.O. after summer vacation.**

O.A. No. 176/2010.

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

Dated : 17th April 2017.

C.A.No. 114/2017:-

Shri M.B.Agasti, Id. counsel for the applicant. Shri S.A.Sainis, learned P.O. for Respondents.

The Id. P.O. submits that he will call the original records and the matter be heard in the next week, **S.O. 26/04/2017 (P.H.)**

The matter be kept alongwith the hearing parties matters.

Vice-Chairman(J)

aps

O.A. No. 128/2017.

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

Dated : 17th April 2017.

Shri P.A.Teni, Id. counsel for the applicant. Smt. Kolhe, learned P.O. for R-1. Await service of R-2 to 5.

The Id. counsel for the applicant wants to file the service affidavit. The Id. P.O. seeks time to file the reply affidavit on behalf of all the respondents. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

O.A. No. 76/2016.

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

Dated : 17th April 2017.

None for the applicant. Shri P.N.Warjurkar, learned P.O. for Respondents.

The Id. P.O. files separate reply affidavit on the behalf of R-2, 3 & 4. It is taken on record. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

O.A. No. 222/2016.

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

Dated : 17th April 2017.

Shri G.K.Bhusari, holding for Shri R.D.Khobragade, Id. counsel for the applicant. Shri A.P.Potnis, learned P.O. for Respondents.

At the request of Id. counsel for the applicant, **S.O. after summer vacation.**

Vice-Chairman(J)

aps

O.A. No. 390/2016.

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

Dated : 17th April 2017.

Shri J.C.Shukla, Id. counsel for the applicant. Shri A.P.Potnis, learned P.O. for Respondents.

Admit.

The Id. P.O. waives notices for all the Respondents.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 702/2016.

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

Dated : 17th April 2017.

Mrs. K.N.Saboo, Id. counsel for the applicant. Shri Khadatkar, learned P.O. for Respondents.

The Id. P.O. has already applied for reply and sent it to authority. As a last chance.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 780/2016.

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

Dated : 17th April 2017.

Shri A.P.Sadavarte, Id. counsel for the applicant. Shri Pandey, learned P.O. for Respondents.

The Id. P.O. seeks time to file reply as a last chance.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 123/2017.

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

Dated : 17th April 2017.

Shri S.P.Palshikar, Id. counsel for the applicant. Shri P.N.Warjurkar, learned P.O. for Respondents.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 183/2017.

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

Dated : 17th April 2017.

Shri S.Singh, Id. counsel for the applicant. Shri S.Deo, learned C.P.O. for the State.

The Id. counsel for the applicant seeks time to amend the O.A.

S.O. after summer vacation.

Vice-Chairman(J)

aps

Rev. Appl. 01/2017 in O.A. No. 67/2016.

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

Dated : 17th April 2017.

Mrs.K.N.Saboo, Id. counsel for the applicant. Shri S.A.Sainis, learned P.O. for the Respondents.

S.O. after summer vacation.

Vice-Chairman(J)

aps

Rev. Appl. 09/2016 in O.A. No. 736/2015.

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

Dated : 17th April 2017.

Shri S.P.Palshikar, holding for Shri R.V.Shiralkar, Id. counsel for the applicant. Shri A.M.Ghogre, learned P.O. for the Respondents no. 1 to 3. Shri B.D.Pandit, Id. counsel for R-4.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 137/2017.

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

Dated : 17th April 2017.

Shri N.D.Thombre, Id. counsel for the applicant is on leave from 17/04/2017 to 21/04/2017. Shri S.Deo, learned C.P.O. for the State.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 759/2015.

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

Dated : 17th April 2017.

Shri N.D.Thombre, Id. counsel for the applicant is on leave from 17/04/2017 to 21/04/2017. Shri M.I.Khan, learned P.O. for the Respondents.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 676/2014.

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

Dated : 17th April 2017.

Shri S.C.Deshmukh, holding for Shri S.Majid, Id. counsel for the applicant and Shri M.I.Khan, learned P.O. for the Respondents.

S.O. after summer vacation.

Vice-Chairman(J)

aps

O.A. No. 801, 826 & 848 of 2012.

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

Dated : 17th April 2017.

Shri S.A.Marathe, Id. counsel for the applicant and Shri A.M.Ghogre, learned P.O. for the Respondents.

S.O. after summer vacation for filing Rejoinder.

Vice-Chairman(J)

aps

O.A. 732 of 96 with M.C.A.36 & 37 of 13.

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

Dated : 17th April 2017.

Shri A.N.Dighore, Id. counsel for the applicant and Shri Pandey, learned P.O. for the R-1 & 2. None for remaining respondents.

S.O. 26/04/2017 as a last chance.

Vice-Chairman(J)

aps

O.A. 499 of 2007.

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

Dated : 17th April 2017.

Shri P.M.Sinha, Id. counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 26/04/2017.**

Vice-Chairman(J)

aps

O.A.St. 812/2016 (D.B.)

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

Dated : 17.04.2017.

C.A.289/2016 -

Shri R.V. Ramteke, Id. counsel holding for Shri S.D. Chande, Id. counsel for the applicant and Shri V. A. Kulkarni, learned P.O. for the respondents.

2. The learned P.O. files affidavit-in-reply on behalf of respondent no.2 in C.A. It is taken on record. Copy is served to the learned counsel for the applicant.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 835/2016 (D.B.)

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

Dated : 17.04.2017.

C.A. 113/2017 -

Shri S.N. Gaikwad, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The applicant has challenged the validity of the conditions of service. The proposed amendment is on legal point and for the reasons stated in the application, the same is allowed. The respondents will be at liberty to file affidavit-in-reply in the amended O.A.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A. 695/2015 **(D.B.)**

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

Dated : 17.04.2017.

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

S.O. 2/5/2017.

Vice Chairman (J)

dnk.

O.A. 756/2016 (D.B.)

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

Dated : 17.04.2017.

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for respondent no.1. Await service of R-2&3.

2. The learned counsel for the applicant submits that all the respondents have been served and he will file service report in the office. The learned P.O. seeks time to file reply. At his request, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A. 184/2017 (D.B.)

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

Dated : 17.04.2017.

Shri A.B. Moon, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State. Await service of R-1 to 3.

2. The learned counsel for the applicant submits that the applicant has received the notice whereby he has been directed to remain present for inquiry on 18/4/2017, i.e., tomorrow. He has placed on record the copy of the said communication, which is marked "Exh-X" for the purpose of identification. The learned counsel for the applicant submits that the applicant has not received the documents from the Inquiry Officer. Unless and until the documents are received, he cannot be compelled to face inquiry. The learned P.O. is directed to take instructions as to when the documents are being supplied to the applicant. Till that time proceedings in departmental inquiry are stayed.

S.O. two weeks.

O.A. 113/2015 (D.B.) Vice Chairman (J)

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

Dated : 17.04.2017.

C.A.71/2017-

Heard Shri P.S. Sahare, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant requested that the matter be expedited since the respondents are rightly to act upon the seniority list which has been challenged in this O.A. and in that case the prejudice will be caused to the applicant. The learned counsel for the applicant submits that he has no instructions in this matter and therefore it be kept before regular Division Bench.

3. In view thereof, since the learned P.O. is not ready for hearing the matter on merit, the applicant will be at liberty to move the matter before the Principal Bench at Mumbai of this Tribunal for early hearing.

Vice Chairman (J)

dnk.

O.A. 427/2016 (D.B.)

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

Dated : 17.04.2017.

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

2. Since the pleadings are complete, the matter is admitted and will be heard on merit.

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

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. 532/2015 (D.B.)

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

Dated : 17.04.2017.

Shri A.D. Girdekar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri J.B. Kasat, Id. counsel for R-3.

2. The learned counsel for the applicant submits that he will file rejoinder during the course of day.

3. Since the pleadings are complete, with the consent of Id. counsel for the parties, the matter is admitted and will be heard on merit.

4. The learned P.O. as well Id. counsel for respondent no.3 waives respective notices.

S.O. 26/4/2017.

Vice Chairman (J)

dnk.

O.A. 560/2016 (D.B.)

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

Dated : 17.04.2017.

Smt. K.N. Saboo, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1&2. None for R-3.

2. Since the pleadings are complete, the matter is admitted and will be heard on merit.

3. The learned P.O. waives notice for the respondent nos. 1&2.

4. Put up the matter **After Summer Vacation.**

Vice Chairman (J)

dnk.

O.A. 753/2016 (D.B.)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 17.04.2017.

Rucha Pande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Summer Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A. 748/2016 (D.B.)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 17.04.2017.

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

At the request of Id. P.O., **S.O. After Summer Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A. 834/2016 (D.B.)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 17.04.2017.

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

At the request of Id. P.O., **S.O. After Summer Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 90/2017 (D.B.)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 17.04.2017.

Shri Mrigendra Singh, Id. Senior counsel with Shri A.J. Gilda, Id. counsel for the applicants and Smt. M.A. Barabde, Id. P.O. for the respondents.

3. Since the pleadings are complete, with the consent of Id. counsel for the parties, the matter is admitted and will be heard on merit.

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

S.O. 26/04/2017.

Vice Chairman (J)

dnk.

O.A. No. 115/2017 (D.B.)

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

Dated : 17.04.2017.

Shri B.D. Pandit, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that he does not want to file rejoinder.

3. Since the pleadings are complete, the matter is admitted and will be heard on merit.

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

S.O. 27/04/2017.

Vice Chairman (J)

dnk.

O.A. No. 561/2016 (D.B.)

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

Dated : 17.04.2017.

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

2. The applicant has challenged the final select list dated 8/8/2016 (A-9,P-49) for the post of Tax Assessor (Class-C-2). The respondents have not considered the case of the applicant on the ground that he is not qualified. Whether the applicant is qualified or not can be considered only on merits. The reply has already been filed and the matter can be heard on merits. The learned P.O. however submitted that he will take instructions in this regard. It will not be proper to stay the entire final select list at this juncture. However, it is made clear that whatever process of selection that can be undertaken by the respondents and will be subject to outcome of this O.A.

3. In view thereof, the matter is admitted and be kept for final hearing as and when Division Bench is available.

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

Vice Chairman (J)

dnk.

O.A. No. 803/2016 (D.B.)

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

Dated : 17.04.2017.

Heard Shri D.M. Surjuse, Id. counsel
for the applicant and Smt. S.V. Kolhe, Id.
P.O. for the respondents.

2. The applicant has **insisted** for grant of interim relief whereby he has prayed that the applicant be reinstated in service alongwith continuous service from 19/9/2016 till he attained age of superannuation alongwith back wages with all emoluments and all service benefits admissible to him. It is stated that the applicant is going to retire on 31st June,2018 on superannuation. The learned counsel for the applicant submits that the applicant has been punished twice and he has been made to retire compulsorily vide order dated 15/9/2016 and thereafter vide order dated 19/9/2016 he has been penalized. The learned counsel for the applicant placed reliance on the Judgment reported in **(1996) 5 SCC,103** in the case of **Sukhdeo Vs. Commissioner, Amravati Division, Amravati & Another.** Perusal of the said Judgment shows that the order of compulsory retirement was under Rule 65 (1) (b) of the Maharashtra Civil Services (Pension) Rules and not in public interest. He has also placed reliance on the Judgment in **AIR 1992 SC,1020** in the case of **Baikuntha Nath Das & Ano. Vs. Chief District Medical Officer, Baripada & Ano.,** wherein it has been held that the Committee has to consider the entire service record of the applicant before passing order of compulsory retirement. Whether the applicant has been retired compulsorily with

due process of law or not and whether the said order is legal or not will have to be considered on merits. If it held that the order of compulsory retirement is illegal, the applicant will always be entitled to benefits.

3. In view thereof, I do not find a fit case to grant interim relief, as if granting interim relief itself disposed of the application on merit. The O.A. be kept for final hearing whenever Division Bench is available.

Vice Chairman (J)

dnk.