

O.A. No. 780/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 452/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

Heard Shri Sheikh Sohaluddin, Id. counsel holding for Shri A.S. Dhore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 6 & 9, none for R-7 and Mrs. S.M. Saware, learned counsel for R-8.

2. The learned P.O. and learned counsel for R-8 are not in position to inform in whose custody the service book of the applicant is lying. In this situation, the respondent no.2 is directed to appear in person on the next date.

S.O. 11/3/2020.

Steno copy be supplied to the P.O.

Member (J)

dnk.

O.A. No. 318/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

Shri S.V. Sohoni, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1. Await service of R-2 to 4.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2 to 4, returnable **in three weeks**. 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.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 211/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

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

S.O. four weeks for filing service affidavit.

Member (J)

dnk.

O.A. No. 278/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

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

At the request of learned P.O., **S.O.**
three weeks for filing reply.

Member (J)

dnk.

O.A. No. 363/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

C.A. 384/2019 -

Heard Shri S.M. Khan, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A. No.384/2019 is allowed. Necessary amendment be carried out within two weeks.

O.A. 363/2019 –

After amendment in the O.A., issue notice to the newly added respondent, returnable **in four weeks**. Hamdast allowed.

2. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

3. 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.

4. 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.

5. 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.

6. 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.

S.O. four weeks.

Member (J)

dnk.

O.A. No. 768/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

Shri A.P. Sadavarte, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4&5.

The learned P.O. submitted that he has received parawise comments and he would file reply within one week. At his request, **S.O. 3/3/2020**.

Member (J)

dnk.

O.A. No. 41/2020 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,
Member (J).

Dated : **25.02.2020**

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

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

Member (J)

dnk.

O.A. No. 48/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

Smt. K.N. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant submitted that she would file service affidavit during the course of day.

3. The learned P.O. seeks three weeks time to file reply. At his request, **S.O. three weeks.**

Member (J)

dnk.

O.A.st. 403/2020 with C.A. 67/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

C.A. 66/2020 -

Heard the applicant in person and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. submitted that he has to file reply to the C.A. for condonation of delay. He is permitted to do so.

3. The applicant to supply copy of the C.As. and O.A. to the learned P.O.

S.O. 17/3/2020.

Member (J)

dnk.

O.A. No. 634/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 25.02.2020

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2.

2. The learned P.O. submitted that he is filing some documents and he is in need of some time, therefore, the matter be kept **on 27/2/2020.**

Member (J)

dnk.

O.A.No.42/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

C.A. No. 68/2020:-

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. **C.A. No. 68/2020 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week. Corrected copy be supplied to the other side.

3. **S.O. two weeks.**

Chairman
Date:-25/02/2020.
aps.

Vice

O.A.No.80/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submitted that notices are served. The Id. counsel for the applicant has pointed out suspension order dated 14.06.2019 (Annexure-A-3, P.B., Pg. No. 34).

3. Admittedly on P.B., Pg. No. 3, para no. 4.3, it appears that D.E. is going on and chargesheet has been served to the applicant on 13.12.2019. However, aggrieved with this order, applicant has filed this O.A. before this Tribunal and sought relief as per para no. 7 at P.B., Pg. No. 5 against the order dated 14.06.2019 (Annexure-A-3, P.B., Pg. No. 34).

4. Since, chargesheet has been served in the interest of justice, the respondents reply is necessary. Who is the competent authority to issue chargesheet that is not clear from the record? Since no documents are yet file regarding the same.

5. The Id. P.O. requires three weeks time to file reply. If reply is not file till next date the matter be heard on merit.

6. **S.O. 17.03.2020.**

Vice Chairman

Date:-25/02/2020.
aps.

O.A.No.896/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submits that he has served the notices to the respondent nos. 2 & 3. He will file service affidavit tomorrow.

3. The Id. P.O. desires time to file reply, **S.O. three weeks.**

Vice

Chairman

Date:-25/02/2020.

aps.

O.A.No.1065/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

None for the applicant. Shri A.P.Potnis,
the Id. P.O. for the State. Notices are yet not
collected by respondent nos. 1 to 3.

2. **S.O. three weeks.**

Vice

Chairman
Date:-25/02/2020.
aps.

O.A.No.132/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out suspension order dated 16.02.2020 (Annexure-A-1, P.B., Pg. No. 25) by which it appears that applicant has been suspended under A.C.B. case. Issue notice to R-2, returnable on four 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. **S.O. four weeks.**

Vice

Chairman

Date:-25/02/2020.

aps.

O.A.No.88/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

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

Chairman
Date:-25/02/2020.
aps.

Vice

O.A.No.682/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri G.N.Khanzode, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the State and Shri B.N.Jaipurkar, the Id. counsel for the respondent nos. 2 & 3.

2. As per the order dated 10.01.2020, the Id. counsel for the applicant has filed on record affidavit on 24.02.2020 before respondent nos. 2 & 3. As per the reply filed by respondent nos. 2 & 3, para no. 3 (P.B., Pg. No. 43) following requirements were mentioned by the respondents to give relief to the applicant which is below:-

"It is submitted that the petitioner now here in the petition stated that her brother is dependent on her. She simply submitted the no objections of her mother and brother. There is no affidavit filed by the petitioner stating that the family of the father, including mother and her brother are dependent on her. Therefore, in the absence of such affidavit that mother and her brother are dependent on her, she is not entitled to be appointed on compassionate ground, in view of G.R. dated 26.02.2013."

Now as per their own reply applicants have fulfilled requirements as per G.R. dated 26.02.2013.

3. In view of this, respondents are directed to consider the case of the applicants as per existing Rules and Regulations for appointing on compassionate ground and after considering the affidavit dated 24.02.2020 by the applicants submitted to respondent nos. 2 and 3 **within two months** from the date of this order.

4. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice

Chairman

Date:-25/02/2020.

aps.

O.A.No.915/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

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

2. The Id. P.O. submits that as query made
by the Bench; Id. P.O. to submit that on which
date interview of respondent no. 5 was taken by
the committee. The Id. P.O. is yet to receive the
relevant documents and for that he desires time.

3. **S.O. 11.03.2020.**

Chairman
Date:-25/02/2020.
aps.

Vice

O.A.No.276/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

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

Chairman
Date:-25/02/2020.
aps.

Vice

O.A.No.337/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri S.M.Bahirwar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. As submitted by Id. counsel for the applicant, applicant was appointed as a Clerk at Deputy Conservator Officer, Yavatmal. D.P.C. for Accountant post took place in 2000 and there was one post reserved for S.C. category; two other persons Shri Sandip Nikanthrao Dabare (respondent no. 4) and Shri Vinod Deorao Torkadhi (respondent no. 5) at P.B., Pg. No. 35 were promoted. These two candidates had been also appointed as S.C. candidate and they were senior to the applicant. Since the date of appointment of S.N.Dabare (respondent no. 4) was 01.02.1983, Shri V.D.Torkhadhi (respondent no. 5) was 16.08.1983 and Shri Vijay Jaijayram Suryawanshi (Applicant) was also 16.08.1983.

3. At the time of promotion in year 2000; these three candidates i.e. respondent nos. 4 & 5 and applicant had no caste validity certificate. Hence, D.P.C. promoted as per seniority. Subsequently, after enquiry it was found that Shri S.N.Dabare was not a S.C. candidate and hence his services were terminated vide order No. 344 dated 21.12.2017 at P.B., Pg. No. 39. As per the

records i.e. Annexure-A-2, P.B., Pg. No. 40, V.R.S. of respondent no. 5 i.e. Shri V.D.Torkhadhi was accepted vide order dated 24.07.2012. The applicant also did not have caste validity certificate of S.C. Category at the time of appointment.

4. Applicant got caste validity certificate on 26.11.2012 (Annexure-A-2, P.B., Pg. No. 15).

5. As submitted by the Id. counsel for the applicant, applicant was promoted as Accountant in 2005 vide order dated 30.09.2005 (Annexure-A-10, P.B., Pg. No. 33) that time also applicant was not having validity certificate of S.C. category. He got this certificate in the year 2012 i.e. on 26.11.2012 (Annexure-A-2, P.B., Pg. No. 15).

6. Respondents were promoted in D.P.C. in 2000; that time respondent nos. 4 and 5 as well as applicant all were not having validity certificate of S.C. Category. So, D.P.C. considered promotion on the basis of seniority; then applicant was promoted in the year 2005 vide order dated 30.09.2005; that time also applicant was not having validity certificate of S.C. Category. So applicant as well as respondents all were not possessing valid certificate. Applicant got valid certificate on 26.11.2012 and his claim can be considered only after 26.11.2012 for S.C. Category.

7. In view of this, relief claimed by the applicant does not sustain in the eyes of law.

8. Hence, **O.A. is dismissed with no order as to costs.**

Vice

Chairman

Date:-25/02/2020.

aps.

O.A.No.347/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/02/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has relied upon the advertisement dated 07.01.2015 (P.B., Pg. No. 28) as per G.R. of December, 2014 (P.B., Pg. No. 27). In the advertisement, respondents had mentioned following conditions which is reproduced below:-

“bPNpl menokjaph fuoM ; k dk; ky; kpsfud”kuq kj o foghr dk; j/nrh uq kj dj.; kr ; by- Inj if’k{k.k ?skk&; k menokjauk vko’; drsuq kj ckaw l akksku o if’k{k.k dmrthy if’k{k.k.WFkhuk if’k{k.k nskcljhrk rkrigjrk eku/kukoj fuoM dj.; kr ; by ; ‘kLoh if’k{k{hr menokjauk fdæku 2 o”ki Lrkfor ckaw l akksku o if’k{k.k dmtokj eku/ku rRokoj l ok nskscdkudkj d jkghy-”

3. The applicant where sent on training to Tripura and subsequently they were provided work at Bamboo Training Centre at Chichapalli on temporary basis. The Id. counsel for the applicant submits that respondents didn’t follow the conditions of the advertisement and terminated the applicant before completion of two years which was one of the conditions in advertisement dated 07.01.2015.

4. Respondents are directed to consider the applicants for the work at Bamboo Training Centre as per the availability of the work on priority **within thirty days** from the date of this order. Since, Government expense has been done on them during course of training at Tripura. They should be provided job as per their skill and availability of work and conditions of the advertisement.

5. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice

Chairman

Date:-25/02/2020.

aps.

**O.A.No.500/2017
(D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
and
Shri A.D.Karanjkar, Member(J)
Dated :25/02/ 2020.**

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the State. Service affidavit of R-2
not filed on record.

2. **S.O. three weeks.**

**Member(J)
Chairman
Date:-25/02/2020.
aps.**

Vice

O.A.No.821/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Shri I.K.Daudasariya holding for Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of R-2 to 5.

2. At the request of Id. counsel for the applicant, Issue fresh notices to R-2 to 5, returnable on four weeks. Learned 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. **S.O. four weeks.**

**Member(J)
Chairman**

Date:-25/02/2020.

aps.

Vice

O.A.No.950/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Shri G.Iyer, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. three weeks.**

Member(J)

Chairman

Date:-25/02/2020.

aps.

Vice

O.A.No.39/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

None for the applicant. Shri A.M.Ghogre,
the Id. P.O. for the Respondent nos. 1 to 3. None
for the respondent nos. 4 & 5.

2. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-25/02/2020.

aps.

Vice

O.A.No.978/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Smt. Saboo holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 to 4. None for the respondent no. 5.

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

**Member(J)
Chairman**

Date:-25/02/2020.

aps.

Vice

O.A.No.856/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Smt. Saboo holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. The matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. in due course.**

**Member(J)
Chairman**

Date:-25/02/2020.

aps.

Vice

O.A.No.688/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

None for the applicant. Shri M.I.Khan, the
Id. P.O. for the Respondents.

2. **S.O. three weeks.**

Member(J)

Chairman

Date:-25/02/2020.

aps.

Vice

O.A.No.1025/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Shri Rahul Waghmare holding for Shri N.B.Rathod, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri Chetan Joshi on behalf of the Mahapariksha personally present. None for the respondent no. 3 & respondent no. 4.

2. The presence of Shri Chetan Joshi is dispensing from next hearing. The report given by H.O.D. of Mumbai University be supplied to both the sides.

3. **S.O. 27.02.2020.**

Member(J)

Chairman

Date:-25/02/2020.

aps.

Vice

O.A.No.217/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Shri S.P.Khirsagar, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the Respondents, Shri Uddhav Dahiphale, Deputy Secretary, Water Resorces Department and Shri Macchindranath Shelke, Deputy Secretary, Soil & Water Conservation Department.

2. The Deputy Secretary of respondent no. 2 is present before bench and it is submitted that the department is ready to enter names of the applicants in the seniority list maintained by the respondent no. 2 and it requires three months time.

3. We have perused the G.R. dated 31.03.2017, in this G.R. on internal page 7 in clause no. 8, time limit to give options was till 15.07.2017. There is no dispute about the fact that the applicants never gave their options for their absorption in the services of Soil and Water Conservation Department. Now, situation is that names of the applicant are neither in the seniority list maintained by the Water Conservation Department nor in the Soil and Water Conservation Department. Applicants have not given options for their absorption in service

of Soil and Water Conservation Department, therefore, till today they are on the establishment of respondent no. 2.

4. In view of this, we direct the respondent no. 2 to enter the names of the applicants in the seniority list and fix their seniority after 15.07.2017 **within three months** from the date of this order.

5. In view of above directions, **O.A. is disposed of with no order as to costs.**

**Member(J)
Chairman**

Date:-25/02/2020.

aps.

Vice

O.A.No.723/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. desires time to take instructions from the department, **S.O.**
09.03.2020.

**Member(J)
Chairman**

Date:-25/02/2020.

aps.

Vice

O.A.No.188/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/2020.

Heard Shri Y.J.Maheshwari, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondents and Shri Dipakkumar Hedau, Assistant Commissioner, Office of ATC, Nagpur.

2. The applicant applied for the post of Driver in O.B.C. Category. The applicant was kept in waiting list at Sr. No. 1 and one Shri Zaved Rafik Taruk was appointed in O.B.C. category. On 12.05.2017 letter was written by the Additional Commissioner, Tribal Development, Nagpur to Zaved Rafik Taruk and he was called to resume duty in time and on his failure the candidate on the waiting list could be appointed. It seems that Zaved Rafik Taruk did not join the duty and he in writing informed the department vide Annexure-A-5 that it was not possible for him to join the duty and the department was at liberty to appoint any other candidate. The Id. Assistant Commissioner who is present before the Bench admitted these facts.

3. In view of these facts, the action of the Respondents to appoint a candidate of open category on a post reserved for O.B.C. is absolutely illegal. The Respondents were bound

to appoint the applicant who was at Sr. No. 1 in the waiting list.

4. In view of this, **O.A. is allowed.** Respondents are directed to issue appointment order to the applicant within **two months** from the date of this order. No order as to costs.

Member(J)
Chairman
Date:-25/02/2020.
aps.

Vice

O.A.No.296/19withC.A.335/19(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :25/02/ 2020.

Heard Shri R.K.Borkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant has produced letter dated 14.02.2020 by respondent no. 3. The Id. P.O. is directed to take necessary instructions from the Government on this letter.

3. **S.O. 11.03.2020.**

4. **Matter be treated as P.H..**

Member(J)

Chairman

Date:-25/02/2020.

aps.

Vice