

O.A. No.731/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri D.M. Surjuse, Id .counsel holding for Shri S.C. Deshmukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. No.832/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri N.D. Thombre, Id. counsel
for the applicant and Shri A.P. Potnis, Id. P.O.
for the respondents.

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

Member (J).

dnk.

O.A. No.1071/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 5.

2. On the last date none appeared for the applicant. Today also none appeared for the applicant.

3. **S.O. after two weeks** for filing service affidavit.

Member (J).

dnk.

O.A. No.74/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri N.D. Thombre, Id. counsel holding for Shri B. Kulkarni, Id. counsel for the applicant and Shri S.A. Sainis, 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.190/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri S.P. Palshikar, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2 and none for R-3.

2. As per the submission of learned counsel for the applicant, the applicant is promoted as Police Inspector and transferred to Mumbai and therefore nothing survives in the O.A.

3. Hence, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

O.A. No.431/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

The Id. P.O. files reply of R-3. It is taken on record. Copy is given to the applicant.

The Id. P.O. submits that reply of R-3 is sufficient for other respondents.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. No.494/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shital V. Dhawas, Id. counsel holding for Shri A.P. Thakre, Id. counsel for R-3.

2. The applicant was appointed and posted at Gadisurla in Mul Tahsil, Dist. Chandrapur as Live Stock Development Officer. After completion of her tenure, she had given choice places for posting in Pune District etc. She was transferred to Bramhapuri, Dist. Chandrapur. During the pendency of this O.A., the respondents have considered the grievance of the applicant.

3. The Id. P.O. has filed copy of order dated 9/8/2021. It is taken on record and marked Exh-X for identification. As per this order, the applicant is posted at Daund, District Pune, therefore, the grievance of the applicant is redressed.

4. Hence, there is no cause to continue this O.A. Therefore, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

O.A. No.654/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-4. It is taken on record. Copy is given to the applicant.

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

Member (J).

dnk.

O.A. No.681/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

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

Member (J).

dnk.

O.A. No.944/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri G.K. Bhusari, 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. three weeks** for filing reply.

Member (J).

dnk.

O.A. No.571/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

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

Member (J).

dnk.

O.A. No.625/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for respondent nos. 1 to 3 and Shri P.R. Agrawal, Id. counsel for R-4.

The reply of respondents is already filed on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 to 3.

S.O. in due course.

Member (J).

dnk.

O.A. No.674/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

2. As per the submission of Id. P.O., he has not received instructions from the respondents about the compliance of the order dated 20/9/2021.

3. The Id. P.O. is directed to get instructions from the respondents about compliance of the said order before the next date.

S.O. 1st week of January, 2022.

Member (J).

dnk.

O.A. No.85/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 5.

Put up the matter after filing service affidavit of R-2 to 5.

Member (J).

dnk.

O.A. No.86/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri Sainis, Id. P.O. for R-1. Await service of R-2 to 6.

Put up the matter after filing service affidavit of R-2 to 6.

Member (J).

dnk.

O.A. No.360/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 4.

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

Member (J).

dnk.

O.A. No.816/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 5.

The Id. counsel submits that the respondents are served.

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

Member (J).

dnk.

O.A. No.845/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri A.P. Sadavarte, Id. counsel
for the applicant and Shri A.M. Ghogre, Id. P.O.
for the respondents.

At the request of Id. P.O., **S.O. 11/1/2022**
for filing reply.

Member (J).

dnk.

O.A. No.1154/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

C.A. No. 421/2021 -

Heard Shri S.A. Marathe, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for State.

2. As per submission of learned counsel for the applicants, all the applicants are claiming same relief and therefore they be permitted to file Jt. O.A.

3. The learned P.O. strongly objected the application on the ground that some of the applicants, i.e., applicant nos.4,5&6 are not residing within the jurisdiction of this Tribunal and therefore the Jt. Application cannot be allowed.

4. The applicant nos.1,2&3 are working in the establishment of GMC, Nagpur. The reliefs claimed by all the applicants are same. This Tribunal has jurisdiction to decide the relief of applicant nos.1,2&3. The other applicants i.e. applicant nos.4,5&6 are claiming the same relief. Hence, the C.A. for filing Jt. O.A. is allowed. The applicants are permitted to file Jt. O.A.

O.A. No.1154/2021 -

Heard Shri S.A. Marathe, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for State.

2. Issue notice to the respondents returnable **after four weeks**. The Id. P.O. waives notice for the State. 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. after four weeks.

Member (J).

dnk.

O.A. No.583/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

The Id. P.O. already filed reply of R-2. He submits that it is sufficient to decide the matter.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. No.831/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, 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).

dnk.

O.A. No.1150/2021 (S.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 24/12/2021.

Heard Shri R.S. Naktode, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for State.

2. Issue notice to the respondents returnable **after four weeks**. The Id. P.O. waives notice for the State. 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. after four weeks.

Member (J).

dnk.

O.A. No.24/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Ms. Pathan, Id. counsel holding for Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

S.O. 1st week of January, 2022.

Member (J).

dnk.

O.A. No.761/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

S.O. After two weeks.

Member (J).

dnk.

O.A. No.129/2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri G.K. Bhusari, Id .counsel holding for Shri S.N. Gaikwad, 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. after two weeks.**

Member (J).

dnk.

O.A. No.540/2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

S.O. 1st week of January, 2022.

Member (J).

dnk.

O.A. No.725/2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

With the consent of both the Id. counsel for parties, **S.O. 1st week of January, 2022.**

Member (J).

dnk.

O.A. No.874/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Shri S.N. Gaikwad, Id. counsel holding for Shri T.U. Tathod, Id. counsel for the applicant and shri V.A. Kulkarni, Id. P.O .for the respondents.

At the request of Id. counsel, **S.O. 2nd**
week of January, 2022.

Member (J).

dnk.

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

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

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

S.O. 1st week of January, 2022.

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

**MCA No. 28/2021 in O.A. Nos.545,546, 547,
548, 549,550,551,578 & 579 of 2020 -**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents.

2. This Tribunal has decided all the O.As. There is some mistakes in the page nos.5 & 6 in the Chart. The mistakes be corrected as prayed in the MCA No. 28/2021.

3. In view of above, the MCA No. 28/2021 is disposed off. No order as to costs.

Member (J).

dnk.

O.A. No.223/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 24/12/2021.

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The Id. P.O .files reply of R-1 to 3. It is taken on record. Copy is given to the Id. counsel for the applicant.

3. This is application for direction to the respondent nos.1 to 3 to transfer him from Chandrapur to Gondia. It is case of the applicant that he is working in the office of respondent no.2. He is working at Chandrapur since last more than 5 years. He is working in naxalite area and therefore prayed to transfer him as per the choice given by the applicant. It is submitted that the respondent no.4 is deputed at Gondia instead of transferring the applicant at Gondia.

4. The respondent nos. 1 to 3 have filed reply and submitted that there is no post vacant at Gondia. The deputation of respondent no.4 was on administrative ground. Hence, the O.A. is liable to be rejected.

5. The G.R. dated 6/8/2002 in respect of employee who is working in naxalite area, is

very clear. As per the said G.R., the employee who worked in a naxalite area and due for transfer, then his / her request for transfer as per the choice place of posting shall be considered by the Government. As per the said G.R. one promotional step pay scale is provided to employee who is working in naxalite area. There is no dispute that the applicant is working in naxalite area at Chandrapur since more than 5 years. The applicant is claiming transfer at Gondia which is also naxalite area.

6. In that view of the matter, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to consider the applicant for transfer, incoming transfer of 2022, as per choice in view of the G.R. dated 6/8/2002 and if possible post at Gondia.

Member (J).

*dnk.

O.A.No.318/2015 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/ 2021.

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the R-4.

2. As per the previous order, the Id. counsel for the applicant has not done the amendment. The Id. counsel for the applicant is directed to do the amendment as early as possible, **S.O. after vacation.**

3. **Put up this matter along with O.A. No. 777/2016.**

Member (J)
Date:-24/12/2021.
aps.

Vice Chairman

O.A.No.777/2016 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/ 2021.

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the respondents. Shri D.S.Sawarkar, the Id.
counsel for the R-4.

2. S.O. after vacation.

**3. Put up this matter along with O.A. No.
318/2015.**

**Member (J)
Date:-24/12/2021.
aps.**

Vice Chairman

O.A.No.245/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/ 2021.

C.A.No.338/2021:-

There is a leave note of Id. counsel for the applicant. Shri A.P.Potnis, the Id. P.O. for the respondents, Shri R.R.Shetty, the Id. special counsel for the R-1 & 2 and Shri P.S.Wathore, the Id. counsel for the respondent no. 3.

2. The Id. special counsel for the respondent nos. 1 & 2 is coming from Mumbai and hence fix date is given, **S.O. 14.01.2022.**

3. **The Id. counsel for the applicant is further directed to be present at the next hearing.**

Member (J)
Date:-24/12/2021.
aps.

Vice Chairman

O.A.No.1032/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 24/12/ 2021.

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

2. The Id. counsel for the applicant has relied on the Judgment of Hon'ble High Court in W.P. No. 3656 of 2021 delivered on 22.09.2021 and he is also relied on M.A.T. Judgment in O.A. No. 823/2020 delivered on 19.07.2021. The Id. counsel for the applicant has also filed pursis dated 23.11.2021. He is directed to correct the O.A. No. in pursis. It appears from the pursis that the paging is not correct. He is further directed to correct the paging of the Judgment attached along with pursis. All the documents are taken on record. Copies are supplied to the other side.

3. However in view of observation made by Hon'ble High Court in W.P. No. 3656 of 2021 delivered on 22.09.2021 it is not possible to grant extra time to Government. After considering the pleadings, **it is directed that no final order will be passed in the D.E. until further order.**

4. S.O. 18.01.2022.

5. Steno copy is granted.

Member (J)

Vice Chairman

Date:-24/12/2021.

aps.

O.A.No.1146/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/ 2021.

Shri S.N.Gaikwad, 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 filed chart for the applicant when applicant passed the required examination as per condition laid down by recruitment rule dated 08.08.2001 (A-2, Pg. No. 17) on page no. 21 para no. 13. The Chart is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. As per the chart it appears that applicant appointed as Civil Engineering Assistant vide order dated 26.05.2008. As per recruitment rules condition, applicant was to pass the examination in four years and three chances. The Id. counsel for the applicant further relied on G.R. dated 24.08.1976 (A-7, Pg. No. 50) by this G.R. one more chance and one more year has been relaxed for candidates belonging to S.C., S.T. and DTNT.

4. As per the chart filed by the Id. counsel for the applicant, applicant didn't appear in the year 2009, applicant appeared in the year 2010 (1st attempt) but failed. During the year 2011 examination was not conducted. In the year 2012 applicant took the second chance, in the year 2013 applicant

took the third chance, finally in the year 2014 applicant appeared for fourth chance and passed. So, applicant has passed in fifth year and fourth attempt.

5. Going by Rule in the year 2009, 2010, 2012, 2013 & 2014 out of five years one year i.e. 2011 when examination was not conducted, it was not possible for the applicant to pass the examination. Now, if this chart is found to be verified by the department then applicant has passed in four years three chance only.

6. Respondents are directed to verify the status of G.R. dated 24.08.1976 (A-7) and its applicability on the applicant. **If in between any promotional order is issued one post in the category of applicant should be kept vacant for the applicant till decision of the O.A.**

7. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. four weeks.**

Member (J)
Date:-24/12/2021.
aps.

Vice Chairman

O.A.No.1147/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/ 2021.

Shri S.N.Gaikwad, 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 filed chart for the applicant when applicant passed the required examination as per condition laid down by recruitment rule dated 08.08.2001 (A-2, Pg. No. 17) on page no. 21 para no. 13. The Chart is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. As per the chart it appears that applicant appointed as Civil Engineering Assistant vide order dated 17.05.2008. As per notification dated 08.08.2001 clause no. 13, applicant was to pass the examination in four years and three chances but after 2008. The Id. counsel for the applicant further relied on G.R. dated 16.11.2006 (A-7, Pg. No. 50) by this G.R. one more chance and one more year has been relaxed for candidates belonging to S.B.C..

4. As per the chart filed by the Id. counsel for the applicant, applicant didn't appear in the year 2009, applicant appeared in the year 2010 (1st attempt) but failed. During the year 2011 examination was not conducted. In the year 2012 applicant took the second chance, in the year 2013 applicant took the third chance, finally in the year 2014 applicant appeared for fourth chance and passed. So, applicant has passed in fifth year and fourth attempt.

5. It appears that respondents have not considered the G.R. dated 16.11.2006 (A-7, Pg. No. 50) while considering the case of the applicant and aggrieved with this situation, applicant approached to this Tribunal.

6. Respondents are directed to verify the status of G.R. dated 16.11.2006 (A-7) and its applicability on the applicant. **If in between any**

promotional order is issued, one post in the category of applicant should be kept vacant for the applicant till decision of the O.A.

7. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. four weeks.**

Member (J)
Date:-24/12/2021.
aps.

Vice Chairman

O.A.No.1100/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/ 2021.

C.A.No.414/2021:-

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. None for the Caveator. Await service of respondent nos. 2 to 4 in O.A..

2. As submitted by Id. counsel for the applicant the Tribunal's order was passed on 06.12.2021 and in para no. 2 following direction was given:-

"2. As submitted by Id. counsel for the applicant, present O.A. is squarely cover by order in O.A. No. 1090/2021 order passed on 03.12.2021 in para no. 6 following directions was given:-

"6. The Respondents shall not relieve the applicant from the post of First Clerk presently held by him till reply is filed to this application by the respondents."

3. The Id. counsel for the applicant has filed C.A. No. 414/2021 along with C.A. he has annexed Annexure-A, Pg. No. 8 by which it appears that applicant submitted the order sheet to respondents on 06.12.2021/07.12.2021. It means order of this Tribunal was with the respondents on 07.12.2021. The Id. counsel for the applicant has also placed attendance register at Pg. No. 9 (A-B) where applicant is at Sr. No. 1 and it appears that applicant has signed the attendance register till 08.12.2021. The Id. counsel for the applicant has also filed certain documents by which it appears that applicant has received document in office on 06.12.2021.

4. In view of this, respondents have placed letter dated 03.12.2021 (A-D, Pg .No. 14) which has also been filed by Id. counsel for the applicant and it appears to be fabricated and misleading the Tribunal.

5. In view of these facts, respondents are directed to Act upon the order dated 06.12.2021 and place the applicant on First Clerk post which presently applicant was holding and file reply within four weeks.
6. Notice on C.A. to Respondents be issued returnable in **four weeks**.
7. Shri A.P.Potnis, the learned P.O. waives notice for respondent no.1. Hamdast granted.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. 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 the O.A.
10. 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.
11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.
12. 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.
13. **S.O. four weeks.**

Member (J)
Vice Chairman
Date:-24/12/2021.
aps.

O.A.No.1116/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)

Dated : 24/12/ 2021.

C.A.No.423/2021:-

Shri M.L.Vairagade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. for speaking to minutes. By this C.A. it appears that in order dated 16.12.2021 in para nos. 2 & 3 which are reproduced below:-

"2. As submitted by the Id. counsel for the applicant, applicant has applied for appointment for Police Constable as per the advertisement of Home Department dated 01.11.2019 (A-A, Pg. No. 17) and as per pg. no. 34 (A-B) in the jurisdiction of Superintendent of Police, Bhandara, there were six vacancies in O.B.C. out of that four were from General and two are female applicants have applied against female quota in Bhandara District. The Id. counsel for the applicant submits that applicant has not been evaluated properly in the field test and on her representation in response to applicant's representation department relied on Government decision dated 06.09.2019 (A-K, Pg .No. 54) where on pg.

no. 59 on top it is mentioned that candidate have to attain atleast 50 percent marks in physical test. The Id. counsel for the applicant is challenging that applicant was zero marks in 800 meter race is not accepted.

3. Respondents are directed that if any appointment is made in category of female constable O.B.C. Category that will be subject to decision of this Tribunal."

3. In both the above paras wherever the post "Police Constable" is mentioned it should be treated as "Police Constable Driver".

4. Hence, by the direction in para no. 3, C.A.No.423/2021 for speaking to minutes is allowed and disposed of.

Member (J)
Vice Chairman
Date:-24/12/2021.
aps.

O.A.No.38/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)

Dated : 24/12/ 2021.

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

2. The Id. P.O. submits that reply has been
already filed.

3. Hence, O.A. is **admitted** and kept for final
hearing.

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

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

6. *Meanwhile, the Id. counsel for the applicant is
at liberty to file Rejoinder, if any.*

Member (J)
Chairman
Date:-24/12/2021.
aps.

Vice

O.A.No.1103/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 24/12/2021.

Shri N.R.Saboo, 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 filed pursis. By this pursis he has attached appointment letter of the applicant. As per the appointment letter of the applicant dated 19.07.2014 (Pg. No. 42) there is clause "=" which is reproduced below:-

"=- R; huk [kktxh 0; ol k; dj.; kl i frck jkghy- R; k, oth R; k R; k oGh vflRokr vl yY; k o 'kl uksoGkoGh I qkj. kk dyy; k fu; eki ek.kso; ol k; jsk HRrk vuks jkghy-"

3. It appears that department has issued show cause notice dated 07.10.2021 on the ground that applicant has violated G.R. dated 07.08.2012 for non practicing allowance as per chargesheet i.e. the only charges which is against the applicant that he has violated provisions of G.R. dated 07.08.2012. The Id. counsel for the applicant submits that the said G.R. is sub-judice before Hon'ble High Court and Hon'ble High Court has stayed to this G.R.. However, the conflicting point is that in the applicant's appointment letter the Clause "=" is mentioned which is admitted and signed by the applicant before joining the service. Considering both these points it is better to take reply of the respondents. **However, respondents are directed not to go ahead with the letter dated 07.10.2021, since the said G.R. dated 07.08.2012 is at present sub-judice before the Hon'ble High Court.**

4. Issue notice to Respondents, returnable on after vacation. Learned P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

9. 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.

10. **S.O. after vacation.**

Member (J)
Vice Chairman
Date:-24/12/2021.
aps.