

O.A. No. 610 /2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri A.P. Sadavarte, the
Ld. counsel for the applicant and Shri
the learned P.O. for the respondent
Nos 1 to 5. Shri S.N. Gaikwad, Adv.
for R.7. None for R.6.

S.O. 2.1.2019.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 644/2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri A.P. Sadavarte, the
Ld. counsel for the applicant and Shri
the learned P.O. for the respondents.

S.O. 2.1.2019.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 628/2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. Shri S.N. Gaikwad, Adv. for R.2. None for R.3.

S.O. **2.1.2019** as a last chance for filing reply to the amended O.A.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 794/2018

(S.B.)

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

Dated : 17th December 2018.

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

Though, circulation is granted, none appeared for the applicant.

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

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 839/2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of respondents, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. He wants to go through it.

S.O. 3.1.2019.

I.R. to continue till then.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. Nos. 890, 891 and 892 of 2018
(S.B.)

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

Dated : 17th December 2018.

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

S.O. **20.12.2018** for filing reply by Ld. P.O.

I.R. to continue till then.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 918/2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The applicant has been kept under suspension vide order dated 10.8.2018 and no charge-sheet has been served on the applicant within 90 days nor any enquiry has been initiated. The applicant has already filed representation to the respondent No.2 on 24.9.2018 (A-2) (Page 20), but the same is still pending. In the order dated 29.11.2018, this Tribunal was pleased to refer to the judgment delivered by this Tribunal in **O.A. No. 35/2018 in case of Dilip Ambilwade**

V/s State of Maharashtra and others delivered on 11.9.2018.

Point of suspension has now been made specific. However, the Hon'ble Apex Court in case of **Arun Kumar Choudhari V/s Union of India and another reported in (2015) 7 SCC-291,** has been pleased to observe that suspension shall not be continued in case no chargesheet has been served within 90 days. In view thereof, this application can be disposed of with directions to respondent No.2 to take a decision on the representation filed by the applicant dated 24.9.2018 as per the directives of the Hon'ble Apex Court and by this Tribunal in O.A. No. 35.2018. Hence, the following order:-

ORDER

- (i) The O.A. stands disposed of with directions to respondent No.2 to take a decision on the representation filed by the applicant dated 24.9.2018

and in view of order passed by this Tribunal in O.A. No.35/2018 and also the order passed by the Hon'ble Apex Court in case of **Arun Kumar Choudhari V/s Union of India and others reported in (2015) 7 SCC-291.**

- (ii) A decision shall be taken within **three weeks** from the date of this order and the same shall be communicated to the applicant in writing.
- (iii) O.A. accordingly stands disposed of with no order as to costs.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 121/2015

(S.B.)

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

Dated : 17th December 2018.

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

This O.A. has been filed for quashing and setting aside the communication dated 29.11.2014 by Assistant Executive Engineer, Irrigation Project Investigation Division, Amravati, which has been approved by respondent No.3. The applicant has claimed that the respondents may be directed to comply with the provisions of the G.R. dated 2.9.2003 and further that the applicant be exempted from supplying this certificate of computer

examination. The respondents have filed reply affidavit and have submitted that the applicant has been granted exemption as per communication dated 4.8.2015. Copy of the said communication is page Annexure A-1, page No.26. It, therefore, seems that the applicant has already been granted exemption from passing MSCIT computer examination, that seems to be the reason as to why the applicant may not be interested in prosecuting this O.A. and since nobody appeared for the applicant today as well as on the last number of occasions, O.A., therefore, has become infructuous and hence it is dismissed as such with no order as to costs.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 518/2017

(S.B.)

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

Dated : 17th December 2018.

C.A. 328/2018.

Heard Miss Diwita Pagey, Adv. holding for Mrs. Neeta Jog, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

C.A. stands disposed of, since the O.A. is being heard on merits.

S.O. 18.12.2018.

To be treated as part heard.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 892/2017

(S.B.)

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

Dated : 17th December 2018.

Heard Shri S.R. Charpe, the Ld. counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondents.

2. The applicants have been appointed vide order dated 15.3.2005 as Police Constables in the pay scale of Rs.3050-75-3950-80-4590. Subsequently, vide G.R. dated 19.4.2007, their pay scales have been revised to Rs. pay scale of Rs.3200-85-4950 plus special pay of Rs. 500/-. The 6th Pay Commission was made applicable to the applicants and as per Clause-5 of the G.R. dated 22.4.2009, it clearly shows that those Police Constables who are appointed

prior to 1.1.2006 and if their pay scale is less than newly recruited Police Constables as on 1.1.2006, their pay scale shall be protected. In spite of such directives, the respondents No.2 has re-fixed the pay scales of the applicants as per various orders, one of such order is at page No. 46. Perusal of the said order dated 25.7.2017 shows that, though the applicants' pay scale was protected earlier as per revised pay scale, same has been reduced.

3. The learned P.O. has invited my attention to one communication dated 16.2.2017 received from the Accounts Officer, Pay Verification Unit, Nagpur, copy of which is at page No.112. From the said communication, it seems that the pay scale has been revised. It is, however, not known as to why the pay scales of the applicants have not been protected. The Ld. P.O. is, therefore, directed to direct the concerned Accounts Officer, Pay Verification Unit, Nagpur, who has issued a letter dated 16.2.2017 at

page No.112, to be remained present before this Tribunal on 7th January 2019.

S.O. **7th January 2019.**

To be treated as part heard.

Steno copy be provided to the Ld. P.O.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 929/2017

(S.B.)

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

Dated : 17th December 2018.

C.A. 356/2018.

Heard Miss Diwita Pagey, Adv. holding for Mrs. Neeta Jog, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. C.A. for early hearing stands disposed of, as the O.A. is being heard on merits.

3. From the facts admitted on record, it seems that the applicant has retired as Sectional Engineer, P.W.D., Yavatmal on 30.9.2009 on superannuation. Charge-sheet was served on him in the departmental enquiry on 29.9.2009 i.e. one day

prior to his retirement. Enquiry Report was submitted on 27.11.2015 and the applicant was exonerated from all charges vide order dated 16.9.2017. During this period, the applicant was paid only provisional pension and the amount of gratuity was not paid. Final decision to pay regular pension was taken on 19.4.2018. Order in this regard is placed on record by the Ld. P.O., it is dated 19.4.2018 which is marked "X" for identification.

4. The Ld. counsel for the applicant pointed out that she has also filed earlier O.A. bearing No. 822/2012 and in the said O.A. this Tribunal was pleased to direct to take a decision on the representation made by the applicant on 7.12.2009 at earlier date and also to conduct departmental enquiry expeditiously. In spite of such directions, departmental enquiry has been concluded in the year 2017. Thus, there is an inordinate delay on the part of the respondents to conduct the departmental enquiry.

5. From the reply affidavit, it has been seen that amount of leave encashment, G.I.S. and G.P.F. has been paid to the amount in the year 2010 i.e. on 18.3.2010, 30.1.2010 and 19.3.2010 respectively. The Ld. P.O. submits that the provisional pension was being paid regularly from 1.10.2009 to 31.3.2018. It is, however, admitted fact that the regular pension has been released as per order dated 19.4.2018. It is stated that the amount of gratuity has been paid on 18.3.2018. Thus admittedly, there seems to be delay in payment of regular pension as well as gratuity. The learned counsel for the applicant is, therefore, directed to file a statement alongwith an affidavit as to what exact amount is to be paid towards difference of regular pension and provisional pension and exact interest on the said amount she is calculating. So also the date of payment of gratuity and interest on the said amount which she is claiming from the date of her

retirement till the date of receipt of the amount of gratuity. Said affidavit shall be placed on record within two weeks.

6. S.O. 4th January 2019.

7. To be treated as part heard.

8. Steno copy be provided to the Ld. P.O.

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A. No. 345/2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri A. Chawre, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

2. The applicant is claiming transfer to any of the 10 places of her choice as mentioned in page No.37 of the O.A. The Ld. P.O. submits that he will take instructions from the competent authority as to whether the applicant can be accommodated on mercy at any of these 10 places.

At the request of Ld. P.O., S.O.
21.12.2018.

To be treated as part heard.

Steno copy be provided to the Ld.
P.O.

Vice-Chairman(J)

Dt. 17.12.2018.
pdg.

O.A. No. 978/2018

(S.B.)

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

Dated : 17th December 2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The Ld. counsel for the applicant submits that he has challenged the transfer order dated 7.12.2018 on the ground that it is a mid-term and mid-tenure transfer order. From the order, however, it seems that same has been passed with consent of the Competent Board on administrative ground and the applicant was under suspension prior to that order which was ultimately revoked. The Ld. counsel for the applicant submits that keeping open

the point of interim relief, notices be issued.

3. Issue notices to respondent Nos. 2 and 3 returnable in **four weeks.**

4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. **four weeks.**

Vice-Chairman(J)

Dt. 17.12.2018.

pdg.

O.A.No. 755/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

C.A.No.259/2017:-

Shri R.V.Shiralkar holding for Shri V.B.Bhise, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 3 to 18.

The Id. P.O. has filed the pursis dated 30/08/2018, by which the address of respondent nos. 3 to 18 has been given. The Id. counsel for the applicant should make necessary corrections in the address. The Id. counsel for the applicant further seeks time to file service affidavit.

S.O. one week.

**Member(J)
Date:-17/12/2018.
aps.**

Member(A)

O.A.No. 630/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

C.A.No.223/2018:-

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

**C.A. No. 223/2018 for early hearing
is allowed.**

Last time also none appeared for the
applicant on 03/08/2018. **S.O. one week.**

**Member(J)
Date:-17/12/2018.
aps.**

Member(A)

O.A.No. 542/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 17th December 2018.

C.A.No.265/2018:-

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

The Id. counsel for the applicant has placed on record government letter no. 3e0s\kl @Mbkj tj dj@l qN&i nLFk@18] fnukd 20-10-2018, which is taken on record and copy of the same is given to the other side.

For order in afternoon.

Later on:-

In the afternoon, both the advocates were heard in chamber and they were asked about Government reply. Government reply is yet to be filed. After filing of Government reply, matter be placed on board. **S.O. next week.**

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.No. 927/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 17th December 2018.

C.A.No.380/2018:-

Shri G.N.Shinde holding for Shri S.M.Vaishnav, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.No. 955/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

C.A.No.376/2018:-

Shri Sandeep Tatke holding for Shri V.B.Bhise, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The Id. P.O. submits that he seeks time to file reply on condonation of delay. **S.O. four weeks.**

3. Notice on C.A. to R-2 be issued returnable in **six weeks.**

4. Shri V.A.Kulkarni the learned P.O. waives notice for respondent no.1. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal 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 the O.A.

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 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.

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. four weeks.**

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.No. 820/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

C.A.No.301/2018:-

Shri N.R.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent no. 2.

It was pointed out that there is no need to add applicant no. 2. The Id. counsel for the applicant needs time to correct the applicant no. 2. The Id. counsel for the applicant will make necessary correction within a weeks time.

The Id. P.O. seeks four weeks time to file reply. **S.O. four weeks.**

**Member(J)
Date:-17/12/2018.
aps.**

Member(A)

O.A.No. 807/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

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

The Id. counsel for the applicant has invited out attention to the G.R. No. eo\1209@i:dz:191@l dk&3] fnukd 15-05-2009 at P.B., Pg. No. 63 (Annexure-A-2), by which the applicant has been absorbed in the service. However, his name is not mentioned in the seniority list.

The Id. P.O. seeks time to file reply. At his request, **S.O. four weeks.**

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.Nos. 267, 268 & 269/2011. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 17th December 2018.

Shri G.G.Bade, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The O.A. No. 60/2015 is decided by the MAT, Aurangabad Bench of this Tribunal. In O.A. No. 60/2015 of MAT, Aurangabad Bench delivered on dated 14/02/2017 in Para nos. 7 & 8 are below:-

"7. This issue was again considered by Hon'ble Supreme Court when the Judgment of Hon'ble High Court dated 20/12/2001 in Writ Petition No.954 of 1990 was considered in S.L.P. (Civil) No. 5171 of 2003. Hon'ble Supreme Court did not approve the order of Hon'ble High Court to absorb all Muster Assistant w.e.f. 31.03.1997 and ordered that they be absorbed gradually on the available vacancies in accordance with seniority and roster.

8. This Tribunal (Aurangabad Bench) by Judgment, dated 10.06.2010 in O.A. No. 578/2008 has held that the Muster Assistants were not recognized as Govt. servant till their absorption in the Government. Accordingly,

their past service before absorption in Government service cannot be counted for pensionary benefits"

In view of the above, the Id. counsel as well as Id. P.O. both are directed to file the copy of Hon'ble Supreme Court Order.

S.O. after winter vacation.

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.No. 753/2011. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

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

The Id. P.O. submits that the matter may be kept after vacation. Till that time, he definitely file the reply. **S.O. after winter vacation.**

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.No. 590/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

Shri A.R.Ingole, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 2. The same is taken on record. Copy of the same is given to the other side.

At the request of Id. counsel for the applicant, **S.O. 02.01.2019 for Rejoinder, if any.**

To be treated as P.H.

**Member(J)
Date:-17/12/2018.
aps.**

Member(A)

O.A.No. 556/1995. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

**C.A.Nos. 43/16, 52/16, 53/16, 428/16, 101/17, 246/17,
247/17 with M.C.A.40/17 in C.A.75/18 in C.A.379/18.**

Shri B.B.Raipure, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3 and Shri R.M.Ahirrao, the Id. counsel for the respondent no. 4.

At the request of Id. P.O., **S.O.**
03.01.2019.

Member(J)
Date:-17/12/2018.
aps.

Member(A)

O.A.Nos. 459 & 503/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 17th December 2018.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents in detailed.

The applicant Shri Vijaysingh Jaipalsingh Gautam and Shri Dinesh Harichandra Nandanwar both belong to reserved categories and both were appointed vide Collector, Bhandara vide letter no. dk; k&2@vklFA&4@3369 at 27/12/1993 on P.B., Pg. No. 11 (Annexure-A-1). It seems that both were appointed as S.T. candidates.

However, Id. Counsel for the applicant submitted that Shri Dinesh Harichandra Nandanwar got CVC of S.B.C. on 21/06/2018. The certificate is not filed on record. Shri Vijaysingh Jaipalsingh Gautam got verification of N.T.B. on 27/07/2015 (at P.B. Pg. NO. 67 of O.A.NO. 459/2017). The certificate is not filed on record.

The first promotion order was issued in O.A.No.459/2017 vide order dated 31/05/2006 at P.B., Pg. No. 16 (Annexure-A-4) bearing no. dk; k&2@vklFA&2@dkoh 480@06 in

which it is shown that Shri Vijaysingh Jaipalsingh Gautam as open candidate and Shri Dinesh Harichandra Nandanwar also as **open candidate** and seniority list prepared as on 01/01/2014 at P.B., Pg. No. 20. Shri Dinesh Harichandra Nandanwar was promoted vide Collector, Bhandara dated 29/03/2008 on P.B., Pg. No. 14 in O.A. No. 503/2017 bearing no. dk; k&2@vklFk&2@dkof318@08. Shri Vijaysingh Jaipalsingh Gautam was also promoted as **open candidate** in O.A.No.459/2017 at P.B., Pg. No. 16 bearing no. dk; k&2@vklFk&2@dkfo880@2006] fnukd 31-05-2006. The Seniority list in O.A.No.459/2017 is published from 01/01/1999 to 01/01/2016 for Awal Karkoon, as per the direction of MAT at P.B., Pg. Nos. 29 to 51 (both inclusive) vide Collector Bhandara Order No. dk; k&2@vklFk&2@dkfo389@2017] fnukd 30-03-2017. Shri Vijaysingh Jaipalsingh Gautam names appear at Sr.No. 301 (Pg. No. 45) category shown as H-t-c] however, certificate is yet to be verified.

Shri Dinesh Harichandra Nandanwar names appear at Sr. No. 310 on P.B., Pg. No. 43 in O.A. NO. 503/2017 and in the Caste

Verification claim, it is written v-t- . It seems that, it is also yet to be verified.

Both the applicants have been given seniority date in Awwal Karkoon Cadre as 28/02/2009 in their respective O.As.

We fail to understand in absence of caste validity certificate, how department decided to fixed their seniority. However, the Id. P.O. submitted that it was a provisional seniority list.

Subsequently, department has revised the seniority list and they have been brought to the bottom vide Collector Order No. dk; 2@vLF&2@dkfo@456@2017] dated 24/04/2017, the seniority list from 01/01/1999 to 01/01/2016 Pg. Nos. 53 to 67 (both inclusive), in this seniority list Shri Vijaysingh Jaipalsingh Gautam is at Sr. No. 384, his category is shown as H-T-c- and seniority in Awwal Karkoon Cadre is shown as 01/12/2015. It is also written in last column that C.V.C. was submitted in 2015.

Shri Dinesh Harichandra Nandanwar appears at Sr. No. 385, his category is shown as v-t- and date of seniority in Awwal Karkoon is shown as 01/12/2015. At the same time in last column, it is mentioned that Caste Verification Certificate is not submitted till that time.

The Id. Counsel for the applicant has challenged their seniority and pleads that candidates have been brought at the bottom of seniority without giving any specific reasons. **Department reply is not clear at this point.**

The Id. P.O. is requested to take necessary instructions from the department and clarify that under what provisions and policy they were promoted without C.V.C. and their seniority was given of 28/02/2009 in provisional list and then why they have been brought at bottom by giving seniority date as 01/12/2015.

S.O. 21/01/2019.

Steno copy is granted.

Member(J)

Member(A)

Date:-17/12/2018.

aps.

O.A.No. 570/2017.

(D.B.)

Coram: Shri Shree Bhagwan,

Member (A) and

Shri A.D.Karanjkar, Member(J)

Dated : 17th December 2018.

Heard Shri S.Lancharwar, the Id. counsel for the applicant and Shri

P.N.Warjurkar, the Id. P.O. for the respondents in detailed.

The Id. Counsel for the applicant has placed on record Annexure-A-1 bearing no. [Hkjk@jkjki ky&15@ue.Ap&09@2010\]](#) dated 23/01/2010, selection and appointment letter by Commandant, State Reserve Police Force, Gondia. By which, it appears that 554 candidates were appointed. The applicant is at Sr. No. 45 named Guntewar Chandrashekar Maruti and is of OBC category. There is no mention of time limit about the joining in the service in any paragraph of this letter. The Id. Counsel for the applicant has also placed seniority list of Reserve Police as on 01/01/2011 P.B., Pg. No. 102 to 129 (both inclusive). In this merit list, total number of persons are 657.

We fail to understand that how 103 number persons have been included and what is the basis of inclusion in this list.

In view of this discrepancy, the Id. P.O. is directed to call any responsible officer from the respondent office to explain what is the procedure adopted for issuing letter bearing no. [Hkjk@jkjki ky&15@ue.Ap&09@2010\]](#) dated 23/01/2010 and subsequently inclusion of 103 more persons in seniority list shown at Pg. No. 102 to 129. The Id. Counsel for the

applicant submits that though the applicant is at Sr. No. 45 in order dated 23/01/2010, Junior persons than him from 48 to 544 have been promoted to Hawaldar and applicant has been denied the promotion. The representative of respondent should also clarify why applicant has been denied promotion and junior persons have been given promotion to Hawaldar Cadre.

S.O. after winter vacation.

Member(J)
Date:-17/12/2018.
aps.

Member(A)