

**O.A. 496/2020 (S.B.)**

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

**Dated : 03/12/2021.**

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.

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is served to the other side.

3. The Id. P.O. submits that reply of R-2 is sufficient to decide the matter.

4. The matter is admitted and kept for final hearing.

5. The Id. P.O. waives notice for the respondents.

6. In the meantime, the Id. counsel for the applicant is at liberty to file rejoinder, if any.

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

**Member (J).**

dnk.

**O.A. 667/2020 (S.B.)**

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

**Dated : 03/12/2021.**

**C.A. 309/2021 -**

Heard Shri T. Mandlekar, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he does not want to press the C.A.No. 309/2021.

3. Hence, the C.A. is disposed off.

**O.A. 667/2020 -**

At the request of Id. counsel for the applicant as well as Id. P.O., **S.O. 14/12/2021.**

**Member (J).**

dnk.

O.A. 714/2020 (S.B.)

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

**Dated : 03/12/2021.**

Shri S. Patil, Id. counsel for the applicant  
and Shri V.A. Kulkarni, Id. P.O. for R-1.

Await service of R-2 to 4.

**S.O. After Vacation** for filing service  
affidavit.

**Member (J).**

dnk.

**O.A. 926/2020 (S.B.)**

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

**Dated : 03/12/2021.**

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

2. The Id. P.O. files reply of R-3&4. It is taken on record. Copy is served to the other side.

3. The Id. P.O. submits that reply of R-3&4 is sufficient to decide the matter.

4. The matter is admitted and kept for final hearing.

5. The Id. P.O. waives notice for the respondents.

6. In the meantime, the Id. counsel for the applicant is at liberty to file rejoinder, if any.

**S.O. After Vacation.**

**Member (J).**

dnk.

O.A. 589/2021 (S.B.)

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

**Dated : 03/12/2021.**

Mrs. K.N. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1.

Await service of R-2 to 4.

The applicant to remove office objections.

**S.O. one week** for filing service affidavit.

**Member (J).**

dnk.

O.A. 601/2021 (S.B.)

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

**Dated : 03/12/2021.**

Mrs. K.N. Saboo, Id. counsel for the  
applicant and Shri V.A. Kulkarni, Id. P.O. for R-1.

Await service of R-2 to 4.

**S.O. one week** for filing service affidavit.

**Member (J).**

dnk.

**O.A. 610/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, issue fresh notice to respondent no.2 returnable **after two 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 two weeks.**

**Member (J).**

dnk.



**O.A. 664/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri G.K. Bhusari, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is served to the other side.

4. The matter is admitted and kept for final hearing.

5. The Id. P.O. waives notice for the respondents.

6. Interim relief to continue till next date.

**S.O. 16/12/2021.**

**Member (J).**

dnk.

**O.A. 666/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri G.K. Bhusari, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is served to the other side.

4. The matter is admitted and kept for final hearing.

5. The Id. P.O. waives notice for the respondents.

6. Interim relief to continue till next date.

**S.O. 16/12/2021.**

**Member (J).**

dnk.

**O.A. 680/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri G.K. Bhusari, 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-1 & 2. It is taken on record. Copy is served to the other side.

4. The matter is admitted and kept for final hearing.

5. The Id. P.O. waives notice for the respondents.

6. Interim relief to continue till next date.

**S.O. 10/01/2022.**

**Member (J).**

dnk.

O.A. 784/2021 (S.B.)

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

**Dated : 03/12/2021.**

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

The Id. counsel for the applicant submits that the respondents are served and he has already filed service affidavit in the office.

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

**Member (J).**

dnk.

O.A. 814/2021 (S.B.)

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

**Dated : 03/12/2021.**

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

2. The Id. P.O. files reply of R-3&4. It is taken on record. The Id. P.O. submits that it is sufficient to decide the matter.

4. The matter is admitted and kept for final hearing.

5. The Id. P.O. waives notice for the respondents.

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

**Member (J).**

dnk.

O.A. 955/2021 (S.B.)

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

**Dated : 03/12/2021.**

Mrs. K.N. Saboo, Id .counsel holding for  
Shri N.R. Saboo, Id .counsel for the applicant  
and Shri A.M .Khadatkar, Id .P.O .for the  
respondents.

The applicant to remove office objection.

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

**Member (J).**

dnk.

O.A. 971/2021 (S.B.)

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

**Dated : 03/12/2021.**

Shri P.V. Thakre, Id .counsel for the applicant and Shri H.K. Pande, Id .P.O .for the respondents.

The applicant to remove office objection.

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

**Member (J).**

dnk.

O.A. 539/2021 (S.B.)

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

**Dated : 03/12/2021.**

None for the applicant. Shri H.K. pande,  
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. 1066/2021 (S.B.)**

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

**Dated : 03/12/2021.**

**C.A. 386/2021 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

As the grievances of both the applicants are same, the C.A. for filing Jt. O.A. is allowed.

**O.A. 1066/2021 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicants submitted that the applicants are placed under suspension since last one year, therefore, the matter can be finally disposed off.

3. Issue notice to the respondents returnable on **03/01/2022**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date

of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. 03/01/2022.**

Put up the matter along with O.A. Nos. 1063, 1064 & 1065 of 2021.

**Member (J).**

dnk.

**O.A. 1063/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable on **03/01/2022**. Learned C.P.O. waives notice for 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. 03/01/2022.**

Put up the matter along with other similar matters.

**Member (J).**

dnk.

**O.A. 1064/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable on **03/01/2022**. Learned C.P.O. waives notice for 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. 03/01/2022.**

Put up the matter along with other similar matters.

**Member (J).**

dnk.

**O.A. 1065/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable on **03/01/2022**. Learned C.P.O. waives notice for 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. 03/01/2022.**

Put up the matter along with other similar matters.

**Member (J).**

dnk.



**O.A. 1061/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard Shri A.M. Tirukh, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for 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. 750/2021 (S.B.)

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

**Dated : 03/12/2021.**

Heard Shri S.N. Gaikwad, 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. 13/01/2022.**

**Member (J).**

dnk.

O.A. 657/2015 (S.B.)

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

**Dated : 03/12/2021.**

Heard Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**S.O. 7/12/2021.**

**Member (J).**

dnk.

O.A. 660/2016 (S.B.)

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

**Dated : 03/12/2021.**

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

**S.O. 9/12/2021.**

**Member (J).**

dnk.

O.A. 527/2017 (S.B.)

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

**Dated : 03/12/2021.**

Heard Shri A.C. Dharmadhikari, 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.**  
**16/12/2021.**

**Member (J).**

dnk.

O.A. 382/2017 (S.B.)

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

**Dated : 03/12/2021.**

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

**S.O. 15/12/2021.**

**Member (J).**

dnk.

O.A. 209/2021 (S.B.)

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

**Dated : 03/12/2021.**

Heard Shri P.P. Khaparde, 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. two weeks.**

**Member (J).**

dnk.



(S.B.)

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

**Dated : 03/12/2021.**

**O.A. Nos. 545,546,547,548,549,550,551,578 &  
579 of 2020 -**

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

The Id. P.O. files affidavit-in-reply on behalf of R-2&3 in O.A. 545/2020. It is taken on record. Copy is given to the other side.

**Closed for orders.**

**Member (J).**

dnk.

**O.A. 1062/2021 (S.B.)**

( D. P. Mundhe Vs. State of Mah. & Ors. )

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

**Dated : 03/12/2021.**

**C.A. 388/2021 -**

Heard Shri S.I. Ghatge, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel for the applicant pointed out the letter dated 12/1/2021 at Annex-A-16 issued by the respondent no.6 to the respondent no.5 stating that it is not clear as to whether the amount is to be recovered from the applicant or not and therefore it is not possible to recover the said amount.

3. Heard the learned P.O. He has submitted that the applicant has challenged the orders dated 18/5/2021, 24/5/2021 & 7/10/2021. One of the respondents, i.e., the respondent no.6 itself stated in the letter 12/1/2021 to the respondent no.5 that it is not clear as to whether the amount is to be recovered from the applicant or not and therefore it is not possible to recover the said amount.

4. Looking to the letter dated 12/1/2021 at Annex-A-16, the impugned orders are stayed till filing of reply.

5. In view of above, the C.A. stands disposed off.

**O.A. 1062/2021 -**

Heard Shri S.I. Ghatge, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

The applicant to collect the hamdast for R-2 to 6.

**S.O. four weeks.**

**Member (J).**

dnk.

O.A. 209/2021 (S.B.)

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

**Dated : 03/12/2021.**

Heard Shri P.P. Khaparde, 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. two  
weeks.**

**Member (J).**

dnk.

**O.A. 585/2021 (S.B.)**

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

**Dated : 03/12/2021.**

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

2. As per the documents filed on record by the Id. P.O., it appears that the proposal is moved for reinstatement of the applicant.

3. The respondents are directed to take decision about reinstatement of the applicant as recommended in the proposal as early as possible.

**S.O. After Vacation (PH).**

**Member (J).**

dnk.

**O.A. 405/2021 (S.B.)**

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

**Dated : 03/12/2021.**

Heard the applicant in person and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned CPO has pointed out the letter dated 30/11/2021 issued by the Government of Maharashtra to him. From the said letter, it appears that Advocate Shri L.M. Acharya who was appointed as a Special Counsel had shown his inability to conduct this matter as per his letter dated 30/11/2021.

3. The learned CPO files reply of R-1&2. It is taken on record and copy is given to the applicant.

**S.O. one week.**

**Member (J).**

dnk.

**O.A. 1031/2021 (S.B.)**

( Sandhya S. Bhalavi Vs. State of Mah. )

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

**Dated : 03/12/2021.**

Heard Shri R.M. Wasnik, Id. counsel for the applicant and A.M. Khadatkhar, Id. P.O. for the respondents.

2. The applicant has challenged the impugned order dated 15/2/2017 passed by the respondent no.3.

3. The father of the applicant died on 2/8/2016. In the month of August,2016 itself, the applicant applied for the compassionate appointment. The application is rejected on the ground that the deceased has third child. Third child was born after the cut off date i.e. 31/12/2001. Hence, the present O.A. is filed by the applicant to appoint her on compassionate ground.

4. From perusal of the record, it appears that the deceased had third child namely Shri Sandesh Shankar Bhalavi and he was born on 7/1/2003 i.e. after the cut off date of 31/12/2001 and therefore the applicant is not entitled for compassionate appointment.

5. The learned counsel for the applicant has pointed out the scheme of Central Government for compassionate appointment.

From the perusal of this scheme, it is nowhere mentioned that even third child born after the cut off date that does not debar for getting compassionate appointment.

6. The learned counsel for the applicant has pointed out the decision of the Principal Bench of this Tribunal in O.A. 293/2017 in which the Tribunal has held that twin were born earlier and thereafter third child was born just immediately after the cut off date. In the present matter, there is no dispute that there was twin child. The applicant himself submitted School Certificate before the respondent no.3 and from the date of birth of child of deceased, it is clear that deceased had third child after the cut off date i.e. 31/12/2001. In view of the G.R. dated 28/3/2001, the applicant is not entitled for compassionate appointment. The rejection of the applicant's application by the respondent no.3 is legal and proper. Hence, the O.A. stands disposed off. No order as to costs.

**Member (J).**

\*dnk.



O.A.St.No.307/2018 (D.B.)

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

**C.A.No.41/2018:-**

Heard Shri A.Barahate holding for Shri N.R.Saboo, 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. next week.**

**Member (J)**

**Date:-03/12/2021.**  
aps.

**O.A.No.138/2019 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri P.A.Jibhkate, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondents and Shri A.Parihar, the Id. counsel for the R-4 & 5.

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

**Member (J)**

**Date:-03/12/2021.**  
aps.

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

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri G.G.Bade, 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 seeks time to collect Hamdast. At his request, **S.O. one week.**

**Member (J)**

**Date:-03/12/2021.**  
aps.

**O.A.Nos.554&555/2020 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**

**Dated : 03/12/ 2021.**

Heard Shri G.N.Shinde holding for Shri S.M.Vaishnav, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

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

**Member (J)**

**Date:-03/12/2021.**

aps.

**O.A.No.175/2020 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri S.N.Gaikwad, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri D.M.Surjuse, the Id. counsel for the respondent no. 5.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1, 2 & 4. It is taken on record. Copy is served to the other side.

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

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

5. The Id. counsel for the respondent no. 5 seeks time to file reply, after filing reply of respondent no. 5. Matter be kept for final hearing, **S.O. four weeks.**

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

**Member (J)**

**Date:-03/12/2021.**  
aps.

**C.P.No.46/2021 in O.A.No.405/2021 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Shri A.Y.Humne, the applicant in person. Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. He further submits that he will serve the copy to the other side.

3. He states that the O.A. out of which these proceedings have arisen is pending before the Ld. Single Judge of this tribunal. **S.O. two weeks.**

**Member (J)**

**Date:-03/12/2021.**  
aps.

**O.A.No.1090/2021 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. On behalf of the applicant attention of the Tribunal is invited to Rules 4 & 7 of Rules dated 15.04.1994 issued by Public Works Department (A-3). Attention is also invited to Annexure-4 & 5. On the basis of A-3 to 5 it is submitted that promotion of the applicant from the post of Senior Clerk to the post of First Clerk was perfectly in accordance with the Rules as the applicant had also sought and availed exemption from passing examinations to which reference has been made in aforementioned rule 7. Annexure-A-7 shows that by order dated 08.12.2020 the applicant was promoted to the post of First Clerk from Open Category and on vacant post. At Annexure-A-6 there is a list of eligible candidates who fell in the zone of consideration. There appears to be no dispute that promotion order of the applicant dated 08.12.2020 was passed on the basis of seniority fixed as per A-6. A-6 was prepared on the basis of date of appointment of the employees.

3. Annexure-A-8 shows that on 09.11.2021 revised seniority list A-8 has been published. Said

seniority list is said to have been published solely on the basis of merit.

4. Record shows that on the basis of revised list of seniority order of reversion of the applicant is passed on 29.11.2021. This order at A-1 is impugned in this application. On the basis of aforementioned details, it is submitted that the impugned order cannot be sustained in law. Prima facie there is merit in this submission.

5. In the facts and circumstances of the case the order prohibiting the respondents from relieving the applicant from the post of First Clerk held by him till reply is filed by the respondents shall meet ends of justice.

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.

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.**

14. **Steno copy is granted.**

**Member (J)**

**Date:-03/12/2021.**

aps.

**O.A.No.1085/2021 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**

**Dated : 03/12/ 2021.**

**C.A.No.389/2021:-**

Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

**2. C.A. No. 389/2021 for permission to file Jt. O.A. is allowed and disposed of.**

**O.A. No. 1085/2021:-**

1. It is the contention of the applicants that though exactly identical charges were levelled against all four applicants punishment proposed to be imposed on them is not identical, there is vast variance in it, there is material to show that the duty of the applicants was to guard only the godown, duty of guarding the surrounding premises was assigned to another team, four persons working in this team were not charge sheeted, if the respondents act in furtherance of show cause issued against the applicants order of dismissal will be passed against one of them, proposed punishment would be inflicted on the remaining applicants, thus the application itself would become infructuous and for all these reasons order of status-quo may be passed by way of interim measure.

2. In reply it is submitted by Id. P.O. that the persons who were prima facie found to be responsible for dereliction of duty have been

chargesheeted, they have undergone the inquiry, they have approached this Tribunal only at the fag end and considering these aspects no interim protection deserves to be extended to them.

3. I have gone through the papers. Prima faice there appears to be substance in the grounds which have been raised on behalf of the applicants. The Id. C.P.O. states that if this Tribunal is inclined to pass interim order, instead of order of status-quo, order may be passed that the respondents would be at liberty to pass necessary orders on conclusion of D.E. pursuant to show cause notice but the same be directed not to take effect till reply is filed by the respondents. Such order shall adequately protect interest of the applicants.

4. The respondents would be at liberty to pass the final order since the inquiry has been concluded, but only after considering explanation furnished by the applicants. In case such order is passed it shall not take effect till reply is filed to this application by the respondents.

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. four weeks.**

12. **Steno copy is granted.**

**Member (J)**

**Date:-03/12/2021.**

aps.

**O.A.No.316/2015 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/2021.**

Heard Shri P.J.Mehta, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that the issue imposed in this application is pending before the Hon'ble Supreme Court and hence, the matter be kept in the Month of January, **S.O. 02<sup>nd</sup> week of January, 2022.**

**Member (J)**

**Date:-03/12/2021.**  
aps.

**O.A.No.356/2020 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri G.N.Shinde holding for Shri S.M.Vaishnav, 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. next week.**

**Member (J)**

**Date:-03/12/2021.**  
aps.

**O.A.No.700/2020 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/2021.**

Heard Shri C.A.Joshi, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. **S.O. 04.01.2022.**

**Date:-03/12/2021.**  
aps.

**Member (J)**

**O.A.No.742/2021 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri S.C.Deshmukh, 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. 15.12.2021.**

**Member (J)**

**Date:-03/12/2021.**  
aps.



**C.P. No.23/2021 in O.A.No.278/2018 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**

**Dated : 03/12/ 2021.**

Heard Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. Today, the Id. P.O. has filed communication dated 02.12.2021 issued by Assistant Administrative Officer. It is taken on record. Copy is served to the other side.

3. It is submitted that this communication would show that two out of three compliances have been made and only one item remains to be complied with.

4. The Id. counsel for the applicant states that he will go through contents of this communication, ascertain the actual position and make the statement on next date.

5. The Id. P.O. seeks time of three weeks to comply that remaining item, **S.O. three weeks.**

**Member (J)**

**Date:-03/12/2021.**

aps.

**O.A.No.175/2020 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri S.C.Deshmukh, the Id. counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondents and Shri D.M.Surjuse, the Id. counsel for the respondent no. 5.

2. At the request of Id. counsel for the applicant, **S.O. 15.12.2021.**

**Member (J)**

**Date:-03/12/2021.**  
aps.

**O.A.No.807/2017 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

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

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

**Date:-03/12/2021.**  
aps.

**Member (J)**

**C.P.No. 43/2021 in O.A.No.475/2019 (D.B.)**

**Coram : Shri M.A.Lovekar, Member (J)**  
**Dated : 03/12/ 2021.**

Heard Shri A.Barahate holding for Shri N.R.Saboo, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

3. The Id. P.O. states that the order has been complied in toto. The Id. counsel for the applicant desires one week time to go through it and file rejoinder if any, **S.O. one week.**

**Member (J)**

**Date:-03/12/2021.**  
aps.