

O.A. 160/2019 (D.B.)

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

**Dated : 06/12/2019.**

Heard Shri B.M. Kharkate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Smt. J.J. Alkari, Id. counsel for R-2 to 6.

**Heard. Admit.**

The Id. P.O. waives notice for R-1.

**S.O. in the 1<sup>st</sup> week of January,2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 502/2019 (D.B.)**

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

**Dated : 06/12/2019.**

**C.A. 428/2019 -**

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

For the reasons stated in the application, the C.A. is allowed.

**O.A. 502/2019 –**

The matter be kept for hearing **in the 1<sup>st</sup> week of January,2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 327/2019 (D.B.)

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

**Dated :** 06/12/2019.

Shri A.P. Sadavarte, 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 as a last chance.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 855/2019 (D.B.)

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

**Dated :** 06/12/2019.

Shri A.P. Sadavarte, 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. 6/1/2020**  
for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 692/14 with C.As. 418/19 & 375/17 (D.B.)

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

**Dated : 06/12/2019.**

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

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

Put up this matter along with similar matters i.e. 712/14, 714/14, 715/14, 716/14 & 717/14.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 967/2019 (D.B.)**

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

**Dated : 06/12/2019.**

**C.A. 449/2019 -**

Heard shri N.R. Saboo, Id .counsel for the applicantS and Shri S.A. Sainis, Id. P.O. for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

**O.A. 967/2019 -**

Heard shri N.R. Saboo, Id .counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. Issue notice to R-2 returnable **after two weeks.** Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

8. **S.O. after two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. Nos. 107/19 & 105/19 (D.B.)

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

**Dated :** 06/12/2019.

Ms. A. Lanjewar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

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

Put up this matter along with similar matter i.e. O.A. 106/2019.

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 724/2014 (D.B.)**

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

**Dated : 06/12/2019.**

Heard Shri S.D. Malke, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. has filed the Chart disclosing the number of working days in each year on which the applicants have worked. The learned P.O. is directed to file affidavit of the concerned officer in support of the Chart mentioning that it is prepared on the basis of the official record.

**S.O. two weeks.**

Steno copy is granted.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 32/2016 (D.B.)

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

**Dated :** 06/12/2019.

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

The learned P.O. has filed record as per  
the order dated 5/8/2019.

**S.O. After Vacation.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 720/2018 (D.B.)

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

**Dated :** 06/12/2019.

Shri S.K. Verma, Id .counsel for the  
applicant and Shri P.N. Warjurkar, Id. P.O. for  
the respondents.

With the consent of both the Id. counsel  
for the parties, **S.O. 11/12/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.As. 537,538, 539 & 540 of 2015 (D.B.)**

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

**Dated : 06/12/2019.**

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

The Id. P.O. submitted that the respondents did not comply the order dated 29/11/2019 and as the record was not handed over to the Registry, the counsel for the applicant could not take inspection. The learned P.O. submitted that till Monday he will hand over the record to the Registry. We hope that the Id. P.O. will keep his word. The Id. counsel for the applicant is permitted to inspect the record of the inquiry.

**S.O. 13/12/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 217/2019 (D.B.)**

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

**Dated : 06/12/2019.**

Heard Shri S.P. Kshirsagar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The Id. counsel for the applicants submitted that the applicants were employee of respondent no.2 and though the Department was bifurcated as per the G.R. dated 31/05/2017, option was not given by the applicant to join the services of respondent no.3. It is submitted that the respondent no.2 now decided to promote in Dr. U.D. Patil, Shri N.G. Saodekar, Shri S.P. Nathu, Shri S.S. Thorat and Shri S.P. Garud though they are juniors to the applicants. The learned counsel for the applicants invited our attention to the seniority list published by the respondent no.2 which was published on 1/1/2016. In this seniority list, the names of the applicants are at Sr.nos.433,436,437,438 & 441. In the same seniority list, the names of the officers who are likely to be promoted are at Sr.nos.462,483,522,564 & 566. Thus on perusal of the seniority list, it is made clear that the

Department i.e. respondent no.2 is intending to promote the Officers who are juniors to the applicants and when the respondent no.3 has specifically alleged that the applicants have not given options to join services of the respondent no.3. Then in terms of the G.R. dated 31/5/2017, it was not suitable on the part of the respondent no.2 to remove their names from seniority and consideration for the promotions. The learned P.O. submitted that names of the applicants are not in the seniority maintained by the respondent no.3. In this situation, we are satisfied that if the respondent no.2 is permitted to promote the junior Officers to the applicants, then certainly it will cause grave prejudice. We, therefore, direct that the respondent nos.1&2 shall maintain status-quo regarding promotions till further orders. The learned P.O. submitted that he is intending to file reply to the rejoinder filed by the applicants.

**S.O. two weeks.**

Steno copy is granted.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 929/2019 (D.B.)**

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

**Dated : 06/12/2019.**

Heard Shri A.G. Ambetkar, Id .counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The Id. counsel has also filed additional affidavit on behalf of the applicant. It is taken on record.

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

4. The learned counsel for the applicant was directed vide order dated 04/11/2019 to furnish information whether any handicapped person is appointed and joined the service. The learned counsel for the applicant has filed affidavit of the applicant wherein it is mentioned that required information was called for by the applicant under the RTI Act, but it was refused.

5. In view of this, we direct that the status-quo as on today be maintained so far as

appointment of the Clerk in the category blind or poor eyesight or poor hearing till further orders.

**S.O.17/1/2020.**

**Member (J)**

**Vice-Chairman**

dnk.  
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O.A. No. 686/2019 **(SB)**

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

**Dated : 06.12.2019**

Shri R.V. Shiralkar, 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.**  
**17/12/2019.**

**Member (J)**

dnk.

O.A. No. 539/2019 **(SB)**

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

**Dated : 06.12.2019**

Shri Suyash Agrawal, Id. counsel holding for Mrs. S.V. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**09/12/2019.**

**Member (J)**

dnk.

O.A. No. 626/2018 **(SB)**

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

**Dated : 06.12.2019**

Shri Vishal Anand, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 226/2018 **(SB)**

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

**Dated : 06.12.2019**

Shri W.G. Paunikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 370/2017 **(SB)**

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

**Dated : 06.12.2019**

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

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

**Member (J)**

dnk.

O.A. No. 824/2018 **(SB)**

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

**Dated : 06.12.2019**

Shri G. G. Bade, Id .counsel for the applicant and shri A.P.Potnis, Id. P.O. for R-1&3. Await service of R-2.

The Id. P.O. seeks time to file reply of R-1&3. The learned counsel for the applicant submitted that he will file service affidavit of R-2 before the next date.

**S.O. one week.**

**Member (J)**

dnk.

O.A. No. 928/2018 **(SB)**

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

**Dated : 06.12.2019**

Heard Shri B. Kulkarni, 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 served on the applicant.

**Heard. Admit.**

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

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

**Member (J)**

dnk.

O.A. No. 176/2019 **(SB)**

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

**Dated : 06.12.2019**

Heard Shri P.A. Jibhkate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri R.S. Khobragade, Id. counsel for R-4 to 6.

Shri Khobragade, Id. counsel files reply on behalf of R-4 to 6. It is taken on record. Copy is served on the applicant.

The Id. P.O. submitted that reply of R-4 to 6 is sufficient to decide matter.

**Heard. Admit.**

The Id. P.O. waives notice for R-1 to 3.

**S.O. 7/1/2020.**

**Member (J)**

dnk.



O.A. No. 414/2019 (SB)

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

**Dated : 06.12.2019**

Shri S.M. Bhagde, Id. counsel for the applicant, Shri A.M. Khadatkar, Id .P.O. for R-1,2&4 and Shri V.M. Kulsange, Id .counsel for R-3.

2. The learned counsel for R-3 has produced the letter written by the Executive Engineer, Zilla Parishad (Construction), Division No.2, Yavatmal. In the letter, it is mentioned that as per the order passed by the Hon'ble High Court, the applicant is entitled for Grade Pay Rs.6600/- and such orders are issued by the Office.

The matter be kept **on 9/12/2019**.

**Member (J)**

dnk.

O.A. No. 598/2019 **(SB)**

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

**Dated : 06.12.2019**

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

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

**Member (J)**

dnk.

O.A. No. 633/2019 **(SB)**

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

**Dated : 06.12.2019**

Shri R. Patil, 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. one week**  
for filing reply.

**Member (J)**

dnk.

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

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

**Dated : 06.12.2019**

Shri A.P. Sadavarte, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and none for R-4&5.

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

The Id. P.O. submits that he will file reply of R-2 on the next date.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 879/2019 **(SB)**

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

**Dated : 06.12.2019**

Shri N.R. Saboo, 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. 673/2019 **(SB)**

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

**Dated : 06.12.2019**

Shri N.R. Saboo, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and none for R-4.

No proper justification is shown by the Id. P.O. for not filing the reply in spite of repeated chances. The matter would be heard finally on 12/12/2019. In the meantime, the respondents are at liberty to file their reply.

**S.O. 12/12/2019.**

**Member (J)**

dnk.

O.A. No. 802/2019 **(SB)**

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

**Dated : 06.12.2019**

Ms. Aayushi Thakur, Id. counsel holding  
for Shiba Thakur, Id. counsel for the applicant  
and Shri S.A. Sainis, Id. P.O. for R-1&3.

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

**Member (J)**

dnk.

O.A. No. 943/2017 (SB)

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

**Dated : 06.12.2019**

Heard Ms. A. Singh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

**Heard. Admit.**

The Id. P.O. waives notice for R-1 to 3.

**S.O. in the 1<sup>st</sup> week of January,2020.**

**Member (J)**

dnk.



O.A. No. 919/2019 **(SB)**

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

**Dated : 06.12.2019**

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

2. The applicant is not appearing in this matter since 27/8/2019 and no reasons appear to adjourn the matter. Today also none appeared for the applicant. Hence, the O.A. stands dismissed in default.

**Member (J)**

dnk.

O.A. No. 413/2018 (SB)

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

**Dated : 06.12.2019**

Heard Shri S.V. Khondalay, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 12. None for other respondents.

2. It is grievance of the applicant that he was posted in Central Jail, Nagpur as Medical Officer. He was threatened by the Criminals and therefore he made request for his transfer which was considered and the applicant was transferred to Ravi Nagar Dispensary, Nagpur. It is contended that but for the best reasons known to the Jailer, Central Jail, the applicant was not relieved, his successor did not join there and ultimately other posting was given to the successor and the post at Ravi Nagar Dispensary, Nagpur was also filled in by the Department. It is submitted that thereafter vide order dated 3/5/2019 the respondents transferred the applicant from the Central Jail, Nagpur to the Sub-District Hospital, Hinganghat, District Wardha. The applicant obeyed the order and resumed the duty.

3. The learned counsel for the applicant submitted that he made various representation to the respondent nos. 1 to 11 to transfer him from the Central Jail, Nagpur at any suitable place in Nagpur as he was suffering from the heart disease. It is submitted that no action was taken by the respondents.

4. After hearing the submissions on behalf of the applicant, one thing is certain that no good justification is given by the respondents why the applicant was not relieved from the Central Jail, Nagpur when he was transferred to Ravi Nagar Dispensary, Nagpur. As a matter of fact, this conduct of the respondents is in fact unfair and as a model employer which was not expected. The subsequent action of the respondents to post some other Officer at Ravi Nagar Dispensary, Nagpur is unfair and ultimately transferring the applicant to Hinganghat with knowledge that the applicant was the heart patient is also highly unjust. In this situation, it is suitable to direct the respondent nos.1 to 6 to transfer the applicant to Nagpur whenever vacancy arises excluding the post at Central Jail, Nagpur. This order shall be complied with whenever vacancy arises at Nagpur.

5. In view thereof, the O.A. stands disposed of. No order as to costs.

Steno copy is granted.

**Member (J)**

dnk.

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**O.A. 915/2019 (S.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Heard Shri S.C. Deshmukh, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. As submitted by the learned counsel for the applicant, name of applicant i.e. Mr. A.H. Khamkar's name is already in SEVARTH in the establishment of R-3, i.e., S.P. Wardha. As submitted by the learned counsel for the applicant, the applicant has not been given salary since July,2019, though his name is already in SEVARTH it is not understood why his salary is not being paid, because the Treasury will not take any objection since name is already in SEVARTH. The learned P.O. is directed to file on affidavit whether the applicant's name is added in SEVARTH or not. It is clear injustice to the applicant. Hence, the following order –

(i) The respondents no.1 to 3 are directed to take immediate action and pay salary of the applicant since July,2019 till he is working on

this post within two weeks from the date of this order.

(ii) The respondent no.1 is directed to take immediate decision on proposal submitted by Additional DGP and IGP (Prison), Pune vide his letter dated 12/7/2019 (Annex-A-9,P-30&31) within three weeks from date of this order.

**S.O. 3/1/2020.**

Steno copy is granted.

**Vice-Chairman**

dnk.

O.A. 71/2017 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

There is a leave note from Shri S.P. Palshikar, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 543/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Shri B. Kulkarni, 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.**  
**12/12/2019.**

**Vice-Chairman**

dnk.

O.A. 818/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Shri Dangre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.



O.A. 880/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Shri Saboo, Id. counsel for the applicant  
and Shri Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the  
applicant, **four weeks**.

**Vice-Chairman**

dnk.

O.A. 129/2016 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

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

At the request of Id. P.O., **S.O.**  
**13/12/2019**

**Vice-Chairman**

dnk.

Rev. A. 19/17 in O.A. 710/2014 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Shri G.G. Bade, Id. counsel for the applicant and Shri Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 13/12/2019.**

**Vice-Chairman**

dnk.

O.A. 731/2018 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri Warjurkar, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 840/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 06/12/2019.**

Shri A.K. Waghmare, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

With the consent of both the learned counsel for the applicants, **S.O. 13/12/2019.**

**Vice-Chairman**

dnk.

O.A. 966/2019 (S.B.)

**Coram:Shri Shree Bhagwan,**  
**Vice-Chairman.**

**Dated : 06/12/2019.**

Heard Shri N.R. Sabo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. As pointed out by the learned counsel for the applicant, the applicant was appointed vide order dated 23/01/2009 (A-1,P-12). By this document, it is clear that the applicant was appointed before the controversy of non-practising G.R. issued by the Government i.e. 7/8/2012. As pointed out by the learned counsel for the applicant in O.A.168/2018 at page no.24, it is pointed out that the Hon'ble High Court has stayed the G.R. dated 7/8/2012. However, this G.R. becomes applicable to the Doctors who were appointed after the issuance of the G.R. Since the applicant was appointed on 23/1/2009, undisputedly he was appointed before controversy of the G.R. dated 7/8/2012.

3. In view of this, interim relief prayed in para-10 "*pending disposal of O.A. direct the respondents to provide/ extend the facility of private practice to the applicant while being in Government service.*" is granted till final outcome of the O.A.

4. Issue notice to R-2 & 3, returnable **after four weeks.** 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.

**S.O. after four weeks.**

**Vice-Chairman**

dnk.  
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