

O.A. 591/2017 (S.B.)

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

Dated : 24/11/2021.

Heard Shri S. N. Gaikwad, 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. 8/12/2021.**

Member (J).

dnk.

O.A. 767/2016 (S.B.)

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

Dated : 24/11/2021.

Heard Shri N.R. Saboo, Id .counsel
for the applicant and Shri A.M. Ghogre, Id. P.O.
for R-1,2,4 & 5. None for other respondents.

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

Member (J).

dnk.

O.A. 642/2019 (S.B.)

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

Dated : 24/11/2021.

Heard Shri Vishal Anand, Id .counsel
for the applicant and Shri A.P. Potnis, Id. P.O.
for the respondents.

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

Member (J).

dnk.

O.A. 48/2020 (S.B.)

(Shankar G. Hatkar Vs. State of Mah. & Ors.)

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

Dated : 24/11/2021.

C.A. No. 316/2021 in O.A. 48/2020 -

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

2. The Id. counsel for the applicant has filed C.A. for final disposal of O.A.

3. The learned counsel for the applicant pointed out Annex-A-I, i.e., the charge sheet on the charges of imputation against the applicant dated 16/4/2020. The learned counsel has also pointed out the notice dated 11/8/2020 at Annex-A-II.

4. From perusal of the charge sheet at Annex-A-I and the notice at Annex-A-II, it is clear that the respondents have started the departmental enquiry against the misconduct of applicant.

5. The learned counsel for the applicant submitted that the respondents are at liberty to recover the amount, if he found guilty in the enquiry report.

6. Heard the Id. P.O. He has submitted that the enquiry started by the respondents is legal

and correct and therefore the O.A. is liable to be dismissed.

7. Vide order dated 23/6/2021, this Tribunal has passed following order in para-4, which is as under –

“(4) In view of this situation, the order dated 2/1/2020 (A-2,P-10) is stayed till decision of the O.A. “

8. After hearing the learned counsel for the applicant and the Id. P.O., it is clear that the respondents have started the departmental enquiry for the defalcation / misconduct of the applicant. The respondents are at liberty to recover the amount as stated in the impugned order after the completion of the enquiry, if in the enquiry the applicant found guilty in respect of the amount of defalcation /misconduct.

9. In that view of the matter, the following order is passed –

ORDER

(i) The impugned order dated 2/1/2021 (A-2,P-10) is hereby quashed and set aside.

(ii) The respondents are at liberty to take action after outcome of the departmental enquiry against the applicant.

(iii) The C.A. as well as O.A. stand disposed off.

(iv) No order as to costs.

Member (J).

dnk.

O.A. 136/2020 (S.B.)

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

Dated : 24/11/2021.

Heard Smt. Smita Dashputre, Id. counsel holding for Shri S.U. Nemade, 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. four weeks** for filing reply.

Member (J).

dnk.

O.A. 234/2020 (S.B.)

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

Dated : 24/11/2021.

None for the applicant. Shri M.I.
Khan, Id. P.O. for R-1.

Await service of R-2&3.

S.O. after four weeks.

Member (J).

dnk.

O.A. 04/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri M.R. Khan, 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** for filing reply.

Member (J).

dnk.

O.A. 70/2021 (S.B.)

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

Dated : 24/11/2021.

C.A. 27/2021 -

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

2. The grievance of both the applicants is same and therefore the C.A. for filing Jt. O.A. is allowed.

O.A. 70/2021 -

Heard Shri S.S. Ghate, Id .counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

S.O. one week for filing service affidavit.

Member (J).

dnk.

O.A. 210/2021 (S.B.)

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

Dated : 24/11/2021.

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

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

Member (J).

dnk.

O.A. 332/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri A.D. Girdekar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 & 3.

S.O. two weeks for filing service affidavit.

Member (J).

dnk.

O.A. 569/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The applicant to remove the office objections.

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

Member (J).

dnk.

O.A. 572/2021 (S.B.)

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

Dated : 24/11/2021.

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

2. The Id. P.O. files reply of R-2&3. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. P.O. submits that the reply of R-2&3 is sufficient to decide the matter.

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

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

S.O. in due course.

Member (J).

dnk.

O.A. 656/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri N.R. Saboo, 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-1 to 3. It is taken on record. Copy is given to the Id. counsel for the applicant.

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

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

5. The Id .counsel for the applicant is at liberty to file rejoinder, if any.

6. The interim relief granted vide order dated 11/8/2021 is continued till next date.

S.O. 7/12/2021.

Member (J).

dnk.

O.A. 658/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri N.R. Saboo, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

Member (J).

dnk.

O.A. 735/2021 (S.B.)

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

Dated : 24/11/2021.

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

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

Member (J).

dnk.

O.A. 779/2021 (S.B.)

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

Dated : 24/11/2021.

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

2. As per submission of the Id. counsel for the applicant, the respondents are served.

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

Member (J).

dnk.

O.A. 791/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri Barhate, Id .counsel holding
for Shri N.R. Saboo, Id. counsel for the applicant
and Shri H.K. Pande, Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 801/2021 (S.B.)

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

Dated : 24/11/2021.

C.A. 321/2021 -

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

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

3. The Id. counsel for the applicants wants to go through the same. At his request, **S.O. one week.**

Put up the matter along with O.A. 802/2021.

Member (J).

dnk.

O.A. 802/2021 (S.B.)

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

Dated : 24/11/2021.

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

S.O. one week.

Put up the matter along with O.A.
801/2021.

Member (J).

dnk.

O.A. 834/2021 (S.B.)

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

Dated : 24/11/2021.

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

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

Member (J).

dnk.

O.A. 890/2021 (S.B.)

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

Dated : 24/11/2021.

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 4.

S.O. three weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 917/2021 (S.B.)

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

Dated : 24/11/2021.

Heard Shri R.M. Vaidya, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. two weeks for filing service affidavit.

Member (J).

dnk.

O.A. 472/2021 (S.B.)

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

Dated : 24/11/2021.

None for the applicant. Shri A.M. Ghogre, 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. 1043/2021 (S.B.)

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

Dated : 24/11/2021.

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

2. From the prayer clause in the O.A., it appears that the respondents have not obeyed their own order of transfer. In this matter the reply and notices are not required.

3. The Id. P.O. wants to take instructions in this regard.

S.O. 26/11/2021.

Member (J).

dnk.

O.A. 1044/2021 (S.B.)

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

Dated : 24/11/2021.

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

2. From the prayer clause in the O.A., it appears that the respondents have not obeyed their own order of transfer. In this matter the reply and notices are not required.

3. The Id. P.O. wants to take instructions in this regard.

S.O. 26/11/2021.

Member (J).

dnk.

O.A. 224/2019 (S.B.)

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

Dated : 24/11/2021.

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. after four weeks** for filing rejoinder.

Member (J).

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 24/11/2021.

Heard Shri I.G. Meshram, Id. counsel
for the applicant and Shri H.K. Pande, Id. P.O
.for the respondents.

2. As per the order dated 20/10/2021, the
Id. P.O. has filed reply. Today copy is given to
the applicant.

S.O. after two weeks.

Member (J).

dnk.

O.A. 720/2020 with C.A. 321/2020 (S.B.)

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

Dated : 24/11/2021.

None for the applicant. Heard Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri S.P. Palshikar, Id. counsel for R-3.

2. The matter is part heard. On the earlier date, the matter was adjourned as the rejoinder was not on record. Now it is filed on record.

3. Today none appeared for the applicant. Hence, put up the matter **on 25/11/2021** for final disposal.

Member (J).

dnk.

O.A. 646/2020 (S.B.)

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

Dated : 24/11/2021.

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

2. After hearing the matter for some time, the learned counsel for the applicant wants time to file relevant citations on record.

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

Member (J).

dnk.

O.A. 97/2020 (S.B.)

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

Dated : 24/11/2021.

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

2. With the consent of both the parties, **S.O.**
Next week (PH).

Member (J).

dnk.

O.A. 136/2020 (S.B.)

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

Dated : 24/11/2021.

Heard Smt. Smita Dashputre, Id. counsel holding for Shri S.U. Nemade, 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. four weeks** for filing reply.

Member (J).

dnk.

O.A. 452/2019 (S.B.)

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

Dated : 24/11/2021.

Heard Shri A.S. Dhore, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 6 & 9, Shri T.M. Zaheer, Id .counsel for R-7 and none for R-8.

2. As per the submission of the learned counsel, the applicant retired in the year 2002, but till date he is not getting any pension.

3. The learned P.O. submits that the applicant was absconding from 1994 and he did not present to process the pension case. The learned P.O. submitted that he wants to get instructions about further process.

4. The respondents are directed to putforth the written submission in respect of further process of pension case of the applicant.

S.O. after two weeks.

Steno copy is granted.

Member (J).

*dnk.

O.A.St.No.1938/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

C.A.Nos.317 & 318/2021:-

Heard Shri P.A.Nemade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

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

Member (J)

Date:-24/11/2021.
aps.

O.A.No.838/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

C.A.No.376/2021:-

Heard Smt. S.W.Deshpande, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondents and Shri P.D.Sharma, the Id. counsel for the respondent nos. 5 to 10.

2. At the request of Id. counsel for the respondent nos. 5 to 10, **S.O. two weeks to file reply.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.856/2020 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.S.Ghate, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

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

Member (J)

Date:-24/11/2021.
aps.

O.A.No.54/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

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

Member (J)

Date:-24/11/2021.
aps.

O.A.No.128/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

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

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

Member (J)

Date:-24/11/2021.
aps.

O.A.No.484/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

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

2. At the request of Id. P.O., **S.O. four weeks to
file reply.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.600/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.S.Sarda, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.765/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

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

Member (J)

Date:-24/11/2021.
aps.

O.A.No.922/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

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

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.929/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

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

Member (J)

Date:-24/11/2021.
aps.

O.A.No.949/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submits that he has filed service affidavit in the office yesterday. The Id. P.O. further submits that he seeks time to file reply, **S.O. four weeks.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.969/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submits that he will remove office objections within two weeks and also file affidavit regarding service of R-2 to 4 within stipulated time.

3. At the request of Id. P.O., **S.O. four weeks to file reply.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.328/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed pursis on 22.11.2021 to the effect that grievance of the applicant has been redressed. By this pursis the applicant wants to withdraw this O.A..

3. Hence, **the matter is disposed of as withdrawn.**

Member (J)

Date:-24/11/2021.
aps.

C.P.No.18/2019inO.A.No.123/2017 (D.B.)

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

Dated : 24/11/2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. The Id. P.O. states that as per order dated 22.10.2021 passed by this Tribunal; affidavit has been prepared but since Civil Surgeon, Amravati who has to swear; he is presently not available; so it cannot be filed. He seeks time by one week.

3. **S.O. next week.**

Member (J)

Date:-24/11/2021.

aps.

C.P.No.09/2021inO.A.No.485/2018 with

C.P.No.10/2021inO.A.No.530/2018 (D.B.)

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

Dated : 24/11/ 2021.

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

2. Today affidavit sworn on behalf of
respondent nos. 1 & 4 is filed (O.A. No. 485/2018). It
is taken on record. He further submits that he will
serve it to the other side.

3. **S.O. four weeks.**

Member (J)

Date:-24/11/2021.

aps.

O.A.No.581/2020 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

There is a leave note of the Id. Counsel for the applicant. Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. **S.O. four weeks.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.1041/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Smt. P.Joshi, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

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

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

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

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

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

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

8. **S.O. four weeks.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.1050/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The grievance of the applicant is that R-4 who was initially not appointed from the category of handicapped persons was being shown as belonging to that category at the time of preparation of list of employees who fall within the consideration zone for promotion. It is further submitted that the applicant has filed representation dated 18.11.2021 before Respondent no. 1 i.e. Principal Secretary, Urban Development Department, Mantralaya, Mumbai but the same has not been decided as yet. According to the applicant in this factual background he needs to be protected by passing an order of Status-quo. The Id. P.O. submits that Respondent No. 1 may be directed to decide the representation of the applicant (A-8) within a period of four weeks from today. **Respondent no. 1 shall, as far as possible, decide representation of the applicant within four weeks from today. Till then, Status-quo shall be maintained in respect of process of promotion for the post of Town – Planner from Handicapped Category.**

3. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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.
9. **S.O. four weeks.**

Member (J)

Date:-24/11/2021.

aps.

O.A.No.1051/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The applicant was appointed on 02.11.2007 as Live Stock Development Officer from Handicapped Category. It is his grievance that when the respondents started promotion process for the post of Assistant Commissioner, Animal Husbandry, Group-A his name was not considered. Name of R-4, however, was included in the list of candidates who were in consideration zone. When the applicant made representation dated 24.08.2021 (A-5) information was called in respect of the applicant about his appointment from Handicapped Category and entry taken in that behalf in his service book. It is further submitted that in the final list of candidates who were included in consideration zone for promotion (A-7) name of the applicant did not feature. By representation dated 25.10.2021 (A-8) the applicant raised the grievance that he being senior to respondent no. 4 his name ought to have been included in the zone of consideration for promotion. It is submitted on behalf of the applicant that if all promotional posts from Handicapped Category are filled up the application would become infructuous.

3. In the present case it would be proper to direct R-1 to decide representation of the applicant (A-8) as far as possible within four weeks from today. **Till then, one promotional post from the Handicapped Category shall not be filled. This interim order shall only subsist for a period of four weeks.**

4. Issue notice to Respondents, returnable on 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.

10. **S.O. four weeks.**

11. **Steno copy is granted.**

Member (J)

Date:-24/11/2021.
aps.

O.A.No.935/2018 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 24/11/2021.

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

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

Member (J)

Date:-24/11/2021.
aps.