

O.A. No. 767/2016 (SB)

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

Dated : 22.10.2019

Mrs. K.N. Saboo, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1,2,4&5. None for R-3&6.

At the request of Id. counsel for the applicant, **S.O. 4/11/2019**.

Member (J)

dnk.

O.A. No. 850/2018 (DB)

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

Dated : 22.10.2019

Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant. The learned counsel for the applicant wants to go through the same and seeks time to file rejoinder. At her request, **S.O. 6/11/2019**.

Member (J)

dnk.

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

Dated : 22.10.2019

Heard Shri N.D. Thombre, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 to 6, returnable on **06/11/2019**. Learned C.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.

S.O. 06/11/2019.

Member (J)

dnk.

O.A. No. 495/2018 (SB)

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

Dated : 22.10.2019

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The punishment is awarded to original applicant Mr. Anwarkhan Pathan after conducting departmental inquiry. As the penalty awarded in major punishment, therefore, the matter be kept before the Division Bench on 8/11/2019.

S.O. 8/11/2019.

Member (J)

dnk.

O.A. No. 676/2017 (SB)

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

Dated : 22.10.2019

Shri N.L. Jaiswal, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. None for other respondents.

2. The matter is two years old and as the repeated chances are given to file reply, but the reply is yet not filed, therefore, the matter be kept for final hearing. In the meantime, the respondents are at liberty to file reply.

S.O. 25/11/2019 for hearing.

Member (J)

dnk.

O.A. No. 956/2018 (SB)

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

Dated : 22.10.2019

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2&3.

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

Member (J)

dnk.

O.A. No. 661/2019 (SB)

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

Dated : 22.10.2019

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

2. Perused the letter dated 3rd September,2019 written by the Assistant Director, Skill Development, Employment & Entrepreneurship Division Head Quarter, Washim. It seems that the applicant has resumed duty on 03/09/2019 at Washim. It is contention of the respondents that as per the policy of the Government there was urgency to fill the post at Washim and consequently the applicant was transferred. It seems that as there was no alternative but to fill the post as per the policy of the Government, therefore, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 688/2019 (SB)

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

Dated : 22.10.2019

Shri S.N. Gaikwad, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and Smt. K.N. Saboo, Id .counsel for R-5.

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

S.O. 5/11/2019 for hearing.

Member (J)

dnk.

O.A. No. 792/2019 (SB)

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

Dated : 22.10.2019

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.

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

Member (J)

dnk.

O.A. No. 794/2019 (SB)

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

Dated : 22.10.2019

Shri D.T. Shinde, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 5.

S.O. After Vacation for filing service report.

Member (J)

dnk.

O.A. No. 795/2019 (SB)

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

Dated : 22.10.2019

Shri D.T. Shinde, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 5.

S.O. After Vacation for filing service report.

Member (J)

dnk.

O.A. No. 804/2019 (SB)

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

Dated : 22.10.2019

Smt. K.N. Saboo, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

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

Member (J)

dnk.

O.A. No. 761/2019 (SB)

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

Dated : 22.10.2019

None for the applicant. Shri S.A. Deo,
Id. CPO for the respondents.

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

Member (J)

dnk.

O.A. No. 178/2019 **(SB)**

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

Dated : 22.10.2019

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

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

Member (J)

dnk.

O.A. Nos. 470,477,478 & 479 of 2019 **(SB)**

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

Dated : 22.10.2019

None for the applicants. Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 4.

In view of the time limit in these matters, the learned P.O. is directed to file reply on 5/11/2019.

S.O. 5/11/2019.

Member (J)

dnk.

O.A. No. 580/2016 **(SB)**

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

Dated : 22.10.2019

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

S.O. 25/11/2019.

Member (J)

dnk.

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

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

Dated : 22.10.2019

None for the applicant. Shri M.I. Khan,
Id. P.O. for R-1 to 12. None for other
respondents.

S.O. 26/11/2019.

Member (J)

dnk.

O.A. No. 781/2018 **(SB)**

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

Dated : 22.10.2019

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

S.O. 26/11/2019.

Member (J)

dnk.

O.A.No.863/2019 (D.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :22/10/2019.

Heard Shri P.D.Meghe, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It is grievances of the applicant that advertisement no. 50/2015 was published by M.P.S.C. for filling the post of Tax Assistant, Group-C 149 posts were reserved for open category, out of which 45 posts were reserved for open ex-servicemen. It is contention of the applicant that he applied for the post reserved by horizontal reservation for open Ex-Servicemen Category. It is submitted that when applicant received appointment order dated 28/11/2016 he was surprised to see that he was appointed on a post which was reserved by horizontal reservation for Scheduled Caste Ex-Servicemen. It is contended that now the department insisting for the caste validity certificate. It was informed by the applicant that he is unable to produce it due to lack of papers and this facts was informed immediately after resuming the duty in the year 2016. Now, it is apprehension of the applicant that the respondents have issued him letter and direct him to produce caste validity certificate within seven days otherwise his services would be terminated.

3. The Id. C.P.O. has objected the prayer on the ground that the applicant applied under the category of Ex-Servicemen reserved for Scheduled Caste and considering the cut off marks, the applicant was selected on the post reserved for Ex-Servicemen Scheduled Caste. It is submitted that the applicant cannot turn round and say that he be appointed on a post which is reserved for Ex-Servicemen Open Category by horizontal reservation. In this regard, I would like to pointed out that now circular is issued by the Government of Maharashtra in December, 2018 and Circular dated 14/08/2013 is withdrawn, therefore, it is necessary to decide the contrary after hear both the parties.

4. Hence, I direct that status-quo would be maintained till filing of the reply by the respondents. The applicant is directed to produce copy of his application in response to the advertisement no. 50/2015.

5. Issue notice to R-2 to 6, returnable on three weeks. Learned C.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. three weeks.**

12. **Steno copy is granted.**

Member

(J)

Date:-22/10/2019.

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