

O.A. 513/2017 (D.B.)

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

Dated : 23/01/2020.

Heard Shri L.H. Kothari, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The matter be kept for hearing tomorrow.

S.O. 24/01/2020.

Member (J)

Vice-Chairman

dnk.

C.P. 39/2019 in O.A. 576/18 (D.B.)

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

Dated : 23/01/2020.

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

At the request of Id. P.O., **S.O. 4/2/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 345/2017 (D.B.)

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

Dated : 23/01/2020.

Mrs. R.V. Kukday, Id .counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 2nd week of February,2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 526/2018 (D.B.)

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

Dated : 23/01/2020.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 571/2016 (D.B.)

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

Dated : 23/01/2020.

Shri A.B. Mirza, Id .counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for R-1 to 6. None for other respondents.

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

Member (J)

Vice-Chairman

dnk.

C.P. 42/19 in O.A. 694/17 (D.B.)

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

Dated : 23/01/2020.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

Service affidavit of R-2&3 is not filed.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 01/2020 in O.A. 625/2007 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned P.O. submitted that in this Contempt Petition the applicant has been granted relief. However, the learned counsel for the applicant wants to take instructions from her client and for that purpose she seeks one week time. At her request, **S.O. one week.**

Member (J)

Vice-Chairman

dnk.

O.A.927/2019 (D.B.)

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

Dated : 23/01/2020.

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

The Id. P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

The matter is admitted and it be kept for final hearing

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

S.O. 10/2/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 538/2018 (D.B.)

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

Dated : 23/01/2020.

C.A. 22/2020 -

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

The matter be taken up on board **on**
17/2/2020.

Member (J)

Vice-Chairman

dnk.

O.A.743/2019 (D.B.)

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

Dated : 23/01/2020.

Shri B. Lonare, Id .counsel holding for
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. two
weeks** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. 935/2019 (D.B.)

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

Dated : 23/01/2020.

Heard Shri C.H. Sharma, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, issue fresh notice to R-2, returnable **in four 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. four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 36/2020 with C.A. 21/2020 (D.B.)

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

Dated : 23/01/2020.

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel for the applicants to file civil application for condonation of delay.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 23/19 in O.A. 317/2016 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

S.O. three weeks along with other connected matters.

Member (J)

Vice-Chairman

dnk.

C.P. 26/19 in O.A. 804/2016 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

S.O. three weeks along with other connected matters.

Member (J)

Vice-Chairman

dnk.

C.P. 24/19 in O.A. 317/2016 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. submitted that he will file reply during the course of day. He is permitted to do so.

S.O. three weeks along with other connected matters.

Member (J)

Vice-Chairman

dnk.

C.P. 25/19 in O.A. 317/2016 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. submitted that he will file reply during the course of day. He is permitted to do so.

S.O. three weeks along with other connected matters.

Member (J)

Vice-Chairman

dnk.

C.P. 27/19 in O.A. 602/2003 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. submitted that he will file reply during the course of day. He is permitted to do so.

S.O. three weeks along with other connected matters.

Member (J)

Vice-Chairman

dnk.

C.P. 28/19 in O.A. 317/2016 (D.B.)

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

Dated : 23/01/2020.

Mrs. P.T. Joshi, Id .counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. submitted that he will file reply during the course of day. He is permitted to do so.

S.O. three weeks along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 35/2020 (D.B.)

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

Dated : 23/01/2020.

Heard Ms. D. Khandalwal, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after three 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 three weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 879/2017 (D.B.)

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

Dated : 23/01/2020.

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

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 37/2020 (D.B.)

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

Dated : 23/01/2020.

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

2. The facts are that the applicant was appointed as X-ray Technical on 8/10/2001. Lateron the Caste Scrutiny Committee invalidated caste claim of the applicant. Consequently, Writ Petition No.2668/2003 was filed before the Hon'ble High Court. The Hon'ble High Court vide order dated 6th June,2016 dismissed the Writ Petition observing that if the applicant files an undertaking before his employer, Registry and the Scrutiny Committee that neither he nor his progeny shall claim the status of the caste and benefits meant for Thakur Scheduled Tribe within a period of eight weeks from the date of the order. The applicant's employment shall remain protected.

3 On the basis of this order, the applicant is challenging that the respondents have no right to terminate the services of the applicant. It is submitted that the order dated 23/12/2019 is passed and the applicant is shifted to

supernumerary post for 11 months. The applicant is challenging this order.

4. The learned P.O. submitted that the action of the respondents is in pursuance of the Judgment delivered by the Hon'ble Apex Court in Civil Appeal No. 8928/2015 (Chairman and Managing Director, FCI & Ors. Vs. Jagdish Balaram Bahira & Ors.) on 6th July,2017. In this situation, interim protection is given to the applicant i.e. order dated 23/12/2019 (A-10, P-57) is stayed till filing of the reply by the respondents as it will take time to decide the controversy.

5. Issue notice to R-2, returnable **after three 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.

S.O. after three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 38/2020 (D.B.)

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

Dated : 23/01/2020.

C.A. 23/2020 -

Heard Mrs. Mugdha Chandurkar, Id. counsel for the applicants and Shri A.M. Ghogre, 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. No.38/2020 -

Heard Mrs. Mugdha Chandurkar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. It is submitted that as per the G.R. dated 14/8/2019 policy decision was taken by the Government of Maharashtra to fill the posts in Group-C by promotion and as well as by nomination. The earlier quota for promotion and nomination was 10:90, but it was increased to 50:50 only for one time. It is case of the applicants that they were eligible to appear in

the examination for promotion. It appears that from the documents that the applicants were called upon to submit the documents for verification. It is grievance of the applicants that the Department published the list dated 7/12/2019 in which the names of the applicants were not included and the Group-D employees who were juniors to the applicants were included in the list. It is apprehension of the applicants that this action of the respondents was illegal and the applicants will have to suffer re-repairable loss, if protection is not given to them.

3. The learned counsel for the applicants submitted that when information under RTI Act was called upon, the applicants learnt that the written examination is scheduled on 25/1/2020 at Amravati and Nagpur. In this situation, it is submitted that the applicants be permitted to appear in the examination.

4. We have heard the submissions on behalf of the learned P.O. We think it suitable in the interest of justice to permit the applicants to appear in the examination. Hence we direct the respondents to allow the applicants to appear in the written examination as well as in all subsequent examinations as per the rules. The respondents are directed not to declare results till further orders. The respondents are also directed to issue hall tickets to the applicants. The learned P.O. is directed to communicate the order passed by this Bench to the respondents.

5. Issue notice to R-2 to 4, returnable **after three 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.

S.O. after three weeks.

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.

C.P. 05/19 in O.A. 738/14 (D.B.)

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

Dated : 23/01/2020.

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

2. In this matter it seems that the order was passed in the O.A. on 22/4/2015. It was confirmed by the Hon'ble High Court in the year 2017 and as this order was not complied, consequently the Contempt Petition was filed. It seems that the specific direction was given on 3/10/2019 to the respondents to comply the order within 30 days. It seems that till today order is not complied and no information is given as to which were the difficulties before the respondents for not complying the order.

3. In view of this, it is suitable to direct the respondents to appear personally before the Bench and explain the reasons.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 40/2019 in O.A.590/2017 (D.B.)

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

Dated : 23/01/2020.

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

2. The respondents are directed to make submission on oath to the effect that there is no vacant post to accommodate the applicant.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 113/2015 (D.B.)

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

Dated : 23/01/2020.

Heard Shri P.S. Sahare, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

2. The short affidavit in reply is filed on behalf of R-4. It is taken on record.

3. The learned P.O. submitted that the notices are not issued to the newly added respondent nos. 5 to 9. Hence, we direct that notices be issued to the newly added respondent nos. 5 to 9 on merits returnable **after three weeks.** Hamdast allowed.

S.O. after three weeks.

Member (J)

Vice-Chairman

dnk.

C.A.442/16 in Rev.St.1772/16 in O.A.138/2015

(S.B.)

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

Dated : 23/01/2020.

Heard Shri P.P. Khaparde, Id. Counsel for the Applicant and Shri H.K. Pande, the Id. P.O. for the Respondents.

2. It is the grievance of the Applicant that the Counsel by whom he was represented before the Tribunal did not inform him the order dated 6th April, 2016 and consequently, there is a delay of about four months in filing the Review Application.

3. In the interest of justice, the delay is condoned.

Rev.St.1772/16 in O.A.138/2015

Issue notices to the Respondents returnable after four weeks.

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

3. 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. Respondents are put to notice that the

case would be taken up for final disposal at the stage of admission hearing.

4. 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.

5. 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.

6. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

7. S.O. to four weeks.

Member (J)

skw

O.A.236/2019

(S.B.)

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

Dated : 23/01/2020.

Heard Shri R.V. Shiralkar, Id. Counsel for the Applicant, Shri S.A. Sanas, the Id. P.O. for the Respondents 1 & 2, Shri S.A. Puranik, the Id. Counsel for Respondent No.3.

2. The Id. P.O. for Respondents 1 & 2 and Id. Counsel for Respondent No.3 requested time to file reply.

3. S.O. to two weeks.

Member (J)

skw

O.A.954/2019

(S.B.)

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

Dated : 23/01/2020.

Applicant is present in person. Shri H.K. Pande, the Id. P.O. for the Respondents.

2. The Id. P.O. submitted that he has received the Para-wise comments and requires one week time to file reply. Time granted.

3. S.O. to one week.

Member (J)

skw

O.A.284/2018(C) (S.B.)

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

Dated : 23/01/2020.

Heard Shri S.S. Bhalerao, Id. Counsel for the Applicant and Shri V.A. Kulkarni, the Id. P.O. for the Respondents.

2. The Id. P.O. submitted that three days time is required to file reply though O.A. is filed in 2018. No just reason is shown why reply was not filed though last chance was given.

3. In this situation, the matter be kept for final hearing on 10th February, 2020. In the meantime, liberty is given to the Respondents to file their reply after giving its copy to the Applicant.

4. S.O. to 10th February, 2020.

Member (J)

skw

O.A.1021/2018

(S.B.)

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

Dated : 23/01/2020.

Heard Shri S.A. Marathe, Id. Counsel for the Applicant and Shri S. Deo, the Id. C.P.O. for the Respondents.

2. On the request of Id. Counsel for the Applicant, the matter be kept on next week.
3. S.O. to next week.

Member (J)

skw

O.A.09/2020 (C)

(S.B.)

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

Dated : 23/01/2020.

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

2. Issue notice to the Respondents returnable after three weeks.
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. Respondents are 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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to three weeks.

Member (J)

skw

O.A.10/2020 (C)

(S.B.)

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

Dated : 23/01/2020.

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

2. Issue notice to the Respondents returnable after three weeks.
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. Respondents are 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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to three weeks.

Member (J)

skw

O.A.34/2020 (C)

(S.B.)

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

Dated : 23/01/2020.

Heard Mrs. N.R. Saboo, Id. Counsel for the Applicant and Shri P.N. Warjurkar, the Id. P.O. for the Respondents.

2. Issue notice to the Respondents returnable after four weeks.

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. Respondents are 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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to four weeks.

Member (J)

O.A.125/2017

(S.B.)

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

Dated : 23/01/2020.

Heard Shri S.M. Khan, Id. Counsel for the Applicant and Shri M.I. Khan, the Id. P.O. for the Respondents.

2. The matter is partly heard. It be taken up for hearing after two weeks.

3. S.O. to two weeks.

Member (J)

skw

O.A.420/2019

(S.B.)

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

Dated : 23/01/2020.

Heard Shri R.V. Shiralkar, Id. Counsel for the Applicant and Shri P.N. Warjurkar, the Id. P.O. for the Respondents.

2. The letter written by Joint Secretary, Government of Maharashtra dated 6th January, 2010 is placed on record. It is stated that the decision is taken to post the Applicant at Amravati.

3. The learned Counsel for the Applicant submitted that the posting order is not issued,

therefore, the matter be taken up on Board after two weeks.

4. S.O. to two weeks.

Member (J)

skw

O.A.240/2016

(S.B.)

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

Dated : 23/01/2020.

Heard Shri B. Dafle, Id. Counsel for the Applicant and Shri M.I. Khan, the Id. P.O. for the Respondents.

2. At the request of Id. Counsel for the Applicant, S.O. to 27th January, 2020.

Member (J)

skw

O.A.402/2016

(S.B.)

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

Dated : 23/01/2020.

Heard Shri A.R. Sharma, Id. Counsel for the Applicant and Shri A.P. Potnis, the Id. P.O. for the Respondents.

2. The Id. P.O. is directed to clarify when it was realized by the Department that the excess payment was made to the Applicant and whether Undertaking was sought from the Applicant when his pay was

fixed by the Department and when excess amount was paid to the Applicant.

3. S.O. to two weeks. Steno-copy be supplied.

Member (J)

skw

O.A.897/2017

(S.B.)

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

Dated : 23/01/2020.

Heard Shri R.V. Shiralkar, Id. Counsel for the Applicant and Shri A.M. Khadatkar, the Id. P.O. for the Respondents.

2. It is the case of the Applicant that he retired as A.S.I. on 13th August, 2016. As Criminal Case was filed against the Applicant, he was acquitted by the

Trial Court on 13th September, 2004. Thus Judgment was challenged by the Respondents by preferring an appeal before the Hon'ble High Court and ultimately, the Hon'ble High Court dismissed the appeal on 13th December, 2018.

3. It is submitted that, initially, the Home Department, Maharashtra State, Mumbai vide letter dated 10th February, 2017 decided to release the retiral benefits to the Applicants and accordingly, the Applicant's pension was fixed at Rs.9,165/-. When the pension case was forwarded to A.G, Maharashtra, Nagpur, the A.G. raised objection that the Applicant was entitled for pension Rs.8,258/-. Consequently, there was recovery of Rs.87,208/- from the Applicant. It is submitted that later on, his original pension is again restored to 9,165/-.

4. The Id. Counsel for the Applicant submitted that now he is receiving the pension at the rate of Rs.9,165/-. He has also received the amount of Rs.87,208/- recovered from him, but it is grievance that he received the amount of gratuity, leave encashment and commutation on the basis of his pension which was fixed at Rs.8,258/-. It is submitted that, as the Respondents have granted pension Rs.9,165/- p.m. to the Applicant, it was incumbent on the Respondents to pay him gratuity, the amount of leave encashment and commutation value considering his pension as 9,165/-.

5. In view of the above situation, as gratuity, the amounts of leave encashment and commutation value are determined on the basis of erroneous

pension, therefore, it is necessary for the Respondents to revive the gratuity, the amounts of leave encashment and commutation value. It seems that for this, the administration is responsible, therefore, the Respondents are directed to revive the amounts of gratuity, leave encashment and commutation value and pay the interest to the Applicant as per G.R. dated 22nd November, 1994. The Respondents shall take into consideration the amendment dated 24th January, 1996 to the G.R. dated 22nd November, 1994 while determining the amount of interest.

6. The Respondents are directed to comply with this order within three months. No order as to costs.

Member (J)

skw

O.A.713 & 714/2018 (S.B.)

**Coram : Shri A.D. Karanjkar, Member (J)
Dated : 23/01/2020.**

Heard Shri P.V. Thakre, Id. Counsel for the Applicants and Shri P.N. Warjurkar, the Id. P.O. for the Respondents.

2. On the request of Id. P.O, the matter be taken up for hearing on 7th February, 2020.

Member (J)

skw

O.As.368 to 371/2019 (S.B.)

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

Dated : 22/01/ 2020.

Heard Shri G.G. Bade, the Id. Counsel for the Applicants, Shri A.P. Potnis, the Id. P.O. for the respondents 1 to 5. None for remaining Respondents.

2. The Id. Counsel for the Applicants files Rejoinder in O.A.371/19. The Applicants in O.A.368 to 370/19 adopted the Rejoinder filed in O.A.371/19. The same is taken on record.

3. The Id. Counsel for the Applicants submitted that the impugned transfer order is passed in violation of G.R. dated 9th April, 2018. It is submitted that the direction be given to the Respondents to consider the representation of the Applicants during general transfer of 2020 and till then, the interim relief be continued.

4. The Id. P.O. submitted that he has no objection for the submission made by the Id. Counsel for the Applicants.

5. Hence, the O.A. is disposed of with direction to the Respondents to consider the request of the Applicants for transfer during general transfer of the year 2020.

5. Interim relief to continue till general transfers. No order as to costs.

Member (J)

O.A.39/2020

(S.B.)

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

Dated : 23/01/2020.

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

2. It is the case of the Applicant that as per order dated 20.01.2020, he was transferred from the post of D.D.R, Co-operative Societies, Washim to D.D.R, Co-operative Societies, Yavatmal on vacant post. It is the contention of the Applicant that in pursuance of transfer order dated 20.01.2020, the Applicant resumed duty at Yavatmal on 21.01.2020, Annexure A-2' is the charge taking over certificate. It is submission of the Applicant that the Respondent No.1 has passed order on 22.01.2020 and directed to stay the effect of the transfer order of the Applicant to Yavatmal and also directed that the Applicant shall work on the post of D.D.R, Co-operative Societies, Washim.

3. It seems from the facts and circumstances that the Applicant was already relieved from the duty from the post of D.D.R, Washim and he has resumed the charge of D.D.R, Co-operative Societies, Yavatmal, therefore, the order dated 20.01.2020 is executed.

4. Under these circumstances, it is necessary to examine whether the order which is executed can be stayed. In this situation, the parties are directed to maintain status-quo as on today.

5. Issue notice to the Respondents returnable on 28th January, 2020.

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. Respondents are 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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. S.O. to 28.01.2020. Steno-copy be supplied.

Member (J)

skw

O.A.No.334/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

Heard Shri G.D.Asole, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. In order dated 09/12/2019 in para no. 2 following observations have been made which is reproduced below:-

"The Id. counsel for the applicants desires regularization of Van Majurs as per the G.R. dated 16.10.2012 (Annexure-A-1.b, P.B., Pg. No. 59). He pointed out requirement of the G.R. at P.B., Pg. No. 60 wherein para-1 the period has been taken from 01/11/1994 to 30/06/2004 and every year the applicants should have worked for 240 days continuously or with breaks. However, in para-2 it is clarified that this 240 days period should be only under plan or non-plan scheme of Forest Department and not EGS scheme. The Id. P.O. desires four weeks time to clarify in this regard."

3. Respondents are directed to give personal hearing to each and every applicant and show them relevant documents, by which they are eligible or not eligible. Take their signatures also about their meeting and decide the applicant's case as per the Rules and G.Rs. **within six weeks from the date of this order** (The date of hearing of the applicants should be fixed by the respondents in consultation with applicant).

4. In view of this, **O.A. is disposed of with no order as costs.**

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.975/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.**

None for the applicant. Shri V.A.Kulkarni, the
Id. P.O. for the State. Await service of respondent
nos. 1 & 2. None for the respondent no. 3.

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

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.1065/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

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

2. Issue notice to R-1 to 3, returnable on four weeks. Learned P.O. waives notice for R-4. 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.**

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.683/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

Heard Shri A.P.Raghute, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. desires three weeks time to file reply. This should be treated as last chance. If reply is not filed till next date, the matter be heard on merit.

3. **S.O. 17/02/2020.**

Vice Chairman

Date:-23/01/2020.
aps.

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

C.A.No.289/2019:-

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the State and Smt. J.J.Alkari, the Id. counsel for the respondent nos. 2 & 3.

2. C.A. No. 289/2019 for condonation of delay is allowed and disposed of.

3. Issue notice to R-2 & 3, returnable on three 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. three weeks.**

Vice Chairman

Date:-23/01/2020.

aps.

O.A.No.345/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

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

2. The Id. counsel for the applicant desires to file Rejoinder, he is waiting for his client. In view of this, matter is **admitted** and kept for final hearing.

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

4. S.O. 06.02.2020.

5. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if he so desires.*

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.1086/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. P.O. has pointed out that as per O.A. at P.B., Pg. No. 8 relief sought 10 (i) applicant is challenging order dated 08/09/2017 and 18/12/2017. In view of this, the Id. counsel for the applicant is directed to file C.A. for condonation of delay.

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

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.88/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

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

2. The Id. P.O. has placed on record letter dated 20.09.2020 by Principal, Government Engineering College, Amravati. It is taken on record. Copy is supplied to the other side.

3. The Id. counsel for the applicant wants to go through the same, **S.O. 06.02.2020.**

Vice Chairman

Date:-23/01/2020.

aps.

O.A.No.725/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. In order dated 21/01/2020 in para no. 2, it was pointed out that against the impugned order appeal was also provided to A.C.S., Home. Today, the Id. counsel for the applicant has pointed out as per this O.A., P.B., Pg. No. 7 in para no. 10 that appeal is pending before respondent no. 1 i.e. A.C.S., Home since October, 2015.

3. In view of this situation, respondent no. 1 i.e. A.C.S., Home is directed to decide the applicant's appeal dated 14/10/2015 (Annexure-A-10, P.B., Pg. Nos. 39 to 44) pending with him **within two months** from the date of this order and communicate to the applicant and this Tribunal too through Id. P.O..

4. S.O. 12/03/2020.

5. Steno copy is granted.

Vice Chairman

Date:-23/01/2020.

aps.

O.A.No.915/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

Heard Shri Vishal Anand, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. As directed to Id. P.O. in order dated 08/01/2020 in para no. 9, two documents were to be produced before the bench. However, Id. P.O. submits that he is yet to receive that documents and he desires some time.

3. In view of this, **S.O. 03.02.2020.**

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.53/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

Heard Shri S.K.Thengri, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has relied upon MAT, Nagpur Bench Judgment in O.A. No. 589/2017. It is taken on record. Copy is served to the other side.

3. Closed for orders.

Vice Chairman

Date:-23/01/2020.
aps.

O.A.Nos.126&189/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

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

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

Vice Chairman

Date:-23/01/2020.
aps.

O.A.Nos.445&446/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. In the order dated 09/01/2020, the Id. P.O. is directed to take instruction. He is yet to take instructions from the department. **S.O. 12.02.2020.**

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.698/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

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

2. The Id. P.O. submits that applicant has filed certain documents along with pursis. The Id. P.O. desires to take instructions regarding those documents.

3. **S.O. 10.02.2020.**

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.65/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.**

Heard Shri A.D.Girdekar holding for Shri G.G.Mishra, 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. 10.02.2020.**

Vice Chairman

Date:-23/01/2020.
aps.

O.A.No.544/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :23/01/ 2020.

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

2. The Id. counsel for the applicant has mainly relied upon O.A., P.B., Pg. No. 11 (para no. 7.3) in which his contention is that the adverse C.Rs. are not communicated within time. However, admittedly, those C.Rs. were known to the applicant in 2018. No documents shown that applicant made any representation against those A.C.Rs. against which he feel aggrieved.

3. The Id. P.O. has placed on record G.R. of Finance Department bearing no. 08/1111 dated 09/12/2016, where it has mentioned that employees who retired between 01/10/2006 to 31/03/2010 will not entitled for second time bound promotion; applicant retired on 28/02/2010.

4. The Id. P.O. has also relied on reply para no. 4 of the P.B., Pg. Nos. 78 to 81; where in tabular form C.Rs. from 2001-2002 to 2008-2009 have been shown. For time bound promotion five years C.Rs. are required to be B+.

5. Matter is closed for orders.

Vice Chairman

Date:-23/01/2020.

aps.