

O.A. Nos.33 and 34/2017

CORAM : Justice A.H. Joshi : Chairman

DATE : 28/2/2017

1. Shri S.M. Bhangde, Id. Advocate for the applicant and Shri S. Deo, Id. C.P.O. for the respondents.
2. The Id. C.P.O. states as follows :-
 - a) That the process leading to the decision to appoint the applicants could not be completed because the original file containing entire papers which had led to the applicants' selection were not traceable.
 - b) Now the matter would be processed and statement would be made as to the progress on next date .
3. Ld. C.P.O. prays longer time to complete the action.
4. Considering that the process of taking decision to appoint the applicants is inordinately delayed, in the interest of justice it is necessary that the pending issue should be decided most expeditiously .
5. Hence time is granted till 3rd of March, 2017, for reporting the steps taken and stages completed.
6. Whatever decision as may be taken till next date, be kept on record on every alternate day. Hence for the present adjourned to **03/03/2017.**

Chairman.

Skt.

O.A.No.198/2016 .

CORAM :Justice A.H. Joshi :Chairman.

DATE :28/2/2017.

C.A. No.553/16

1. Shri S.C. Deshmukh, Id. Advocate for the applicant is on leave. Shri M.I. Khan, Id. P.O. for the respondents no. 1 & 2. None for R-3.
2. It is seen that the affidavit-in-reply for respondents no. 1 & 2 is on record. The affidavit-in-reply of the State does not answer the O.A. with reference to each para.
3. The averments contained in para 6.8, seen at page number 5 of the O.A. are not answered, through it contains an averment that "It was not possible for the applicant to object to the seniority list at the stage of final seniority list, because the provisional seniority list was not published". This crucial averment is not replied and refuting pleading and evidence if any is not brought forward if it be there.
4. Shri Gajanan Vasantao Patil, Administrative Officer, J.D.A. Nagpur is the officer who has filed the affidavit for the respondents no. 1 & 2 is personally present
5. Shri G.V.Patil, Administrative Officer is called to Show Cause as to why cost of Rs. 10,000/- should not be saddled on him for failing to answer the O.A. with reference to each and every para and thereby creating an impediment in the process of adjudication.
6. The Id. P.O. is directed to communicate the this order to the respondents and also Shri Gajanan Vasantao Patil who is present and who has taken a note of order while it was being dictated.
7. This order shall not preclude the respondents from filing detailed affidavit, if they wish to act prudantly.
8. *Steno copy be provided to the Id. P.O. for communication.*
9. Stand over to 11/04/17.

aps

Chairman

O.A. No.809/2016

CORAM : Justice A.H. Joshi : Chairman

DATE : 28/2/2017

1. Shri Anil J. Kadu, Id. Advocate for the applicant and Smt. M.A. Barabde,
Id. P.O. for the respondents.
2. The Id. Advocate for the applicant states as follows :-
 - a) He wants to examine as to who shall be the appropriate party and thereafter he would add appropriate officer as a respondent and prays for leave to amend to add respondents.
 - b) Leave to amend as prayed for is granted with liberty to carry out the amendment on or before 16/3/2017.
 - c) Ld. Advocate for the applicant prays for two weeks time for this purpose.
3. After amendment issue Notice to the added respondent returnable on 11/4/2017.
4. It is made clear that this will not be come into the way of the respondents to consider the applicant's case.

Chairman.

Skt.

O.A. No.806/2016

CORAM : Justice A.H. Joshi : Chairman

DATE : 28/2/2017

1. Shri N.R. Saboo, Id. Advocate for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.
2. The Id. P.O. states as follows :-

Apparently, a view is possible that the applicant's case is covered by the interim order passed by the Hon'ble High Court staying the effect of Govt. Resolution prohibiting private parties. However, on facts the applicant's case appears to be distinguishable on the ground that the applicant's case is not based on same footings and is not similar to the facts and circumstances for which interim relief is granted by the Hon'ble High Court.

3. Learned d. P.O. states that he therefore wants 4 weeks' time to file affidavit-in- reply.
4. Time as prayed is granted.
5. Affidavit-in-reply be filed on or before 30/3/2017.
6. **S.O.11/4/2017.**

Chairman.

Skt.

O.A. No. 767/2016

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

Dated : 28.02.2017.

Smt. 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.

S.O. 1-3-2017.

Member (J).

dnk.

O.A. No. 724/2011

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

Dated : 28.02.2017.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.P. Potnis,
Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 7-3-**
2017.

Member (J).

dnk.

O.A. No. 67/2017

Coram : Hon. Shri J.D. Kulkarni,

Member (J).

Dated : 28.02.2017.

Heard Shri U.J. Deshpande, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri P.S. Patil, Id. counsel for R-3.

Closed for orders.

Member (J).

dnk.

O.A. No. 179 & 180 of 2016

Coram : Hon. Shri J.D. Kulkarni,

Member (J).

Dated : 28.02.2017.

Shri G.K. Bhusari, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 14-3-2017.**

Member (J).

dnk.

O.A. No. 435 / 2016

Coram : Hon. Shri J.D. Kulkarni,

Member (J).

Dated : 28.02.2017.

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

At the request of Id. counsel for the applicant, **S.O. 14-3-2017.**

Member (J).

dnk.

O.A. No. 588 / 2016

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

Dated : 28.02.2017.

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

At the request of Id. counsel for the applicant, **S.O. 14-3-2017.**

Member (J).

dnk.

O.A. No. 548 of 2016

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

Dated : 28.02.2017.

Ms. R. Singh, Id. counsel for the applicant and Smt. S.V. Kolhe, Id.
P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 14-3-2017.**

Member (J).

dnk.

O.A. No. 829 of 2011

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

Dated : 28.02.2017.

Ms. R. Singh, Id. counsel holding for Shri A. Mardikar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 14-3-2017.**

Member (J).

dnk.

Rev.A.03/2016 in O.A.402/2014

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

Dated : 28.02.2017.

Shri Renu, Id. counsel holding for Shri Rohit Joshi, Id. counsel for the applicant (Original Resp.No.2), Shri S.P. Palshikar, Id. counsel for R-1 (Org. applicant) and Shri P.N. Warjurkar, Id. P.O. for R-2& 3 (Org. R-1&3).

At the request of Id. counsel for the applicant (Original Resp.No.2),

S.O. 14-3-2017.

Member (J).

dnk.

O.A. No. 669 of 2011

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

Dated : 28.02.2017.

Heard Shri Ganesh Iyer, Id. counsel holding for Shri S. Ghate, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

Closed for orders.

Member (J).

dnk.

O.A. No. 765/2015

Coram : Hon. Shri J.D. Kulkarni,

Member (J).

Dated : 28.02.2017.

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

Closed for orders.

Member (J).

dnk.

O.A. No. 173/2016

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

Dated : 28.02.2017.

Shri M.R. Khan, 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. 14-03-2017.**

Member (J).

dnk.

O.A. No. 747/2015

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

Dated : 28.02.2017.

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

At the request of Id. counsel for the applicant, **S.O. 14-03-2017.**

Member (J).

dnk.

Rev.A. 14/16 in O.A. 91/2016

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

Dated : 28.02.2017.

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

At the request of Id. P.O., **S.O. 14-3-2017.**

Member (J).

dnk.

O.A.No. 56/2017

Coram : Hon. Shri J.D. Kulkarni,

Member (J).

Dated : 28.02.2017.

Smt. K.N. Saboo, 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. 29-3-2017 for filing reply.**

Member (J).

dnk.

O.A.No. 06/2017

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

Dated : 28.02.2017.

Shri Bharat Kulkarni, 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. 29-3-2017 for filing reply.**

Member (J).

dnk.

O.A.No. 825/2016

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

Dated : 28.02.2017.

Shri J.R. Kidilay, 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. 14-3-2017 for filing reply.**

Member (J).

dnk.

O.A.No. 487/2016

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

Dated : 28.02.2017.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 7-3-2017 for filing reply.**

Member (J).

dnk.

O.A.No. 771/2016

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

Dated : 28.02.2017.

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4&5.

At the request of learned P.O., **S.O. 29-3-2017 for filing reply.**

Member (J).

dnk.

O.A.No. 424/2016

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

Dated : 28.02.2017.

Shri U.J. Deshpande, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

Learned P.O. files affidavit-in-reply on behalf of R-2. It is taken on record. Copy of the same is given to the learned counsel for the applicant.

S.O. 14-3-2017 for final hearing.

Member (J).

dnk.

O.A.No. 684/2016

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

Dated : 28.02.2017.

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

Learned counsel for the applicant submits that the notices on R-2&3 are served. He seeks time to file acknowledgement on record. He also undertakes to remove office objections during the course of day.

At the request of learned counsel for the applicant, **S.O. 7-3-2017.**

Member (J).

dnk.

O.A.No. 275/2016

Coram : Hon. Shri J.D. Kulkarni,
Member (J).

Dated : 28.02.2017.

Ms. A.R. Manhare, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Shri M.R. Khan, Id. counsel for R-3. Await service of R-2.

2. At the request of Id. counsel for the applicant, issue fresh notice to R-2 returnable on 29-03-2017.

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. The learned counsel for R-3 prays time to file reply. Learned P.O. also seeks time to file reply. Time is granted.
8. **S.O. 29-03-2017.**

Member (J).

dnk.

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

Dated : 28.02.2017.

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

The learned counsel for the applicant submits that he will collect the notice of R-3 during the course of day. He seeks time to serve R-3.

The learned P.O. files affidavit-in-reply on behalf of R-2. It is taken on record. Copy of the same is given to the Id. counsel for the applicant. The learned P.O. submits that reply of R-1 is not necessary.

S.O.14-3-2017.

Member (J).

dnk.

O.A.No. 64/2017

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

Dated : 28.02.2017.

C.A.26/2017 -

Heard Shri S. Majid, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. None for R-2.

The applicant is the widow of deceased employee and has challenged the communication dated 18-07-2013 (A-1,P-12) whereby 75% of the pension amount of her husband has been deducted with the departmental enquiry that too after the death of her husband on 16-4-2014 and in this regard the letter dated 20-09-2014 was communicated to the applicant on 10-10-2014 and it was never communicated to her husband. There is a delay of 1 year, 3 months and 15 days in challenging the said communication. Considering the fact of the applicant is the widow of the

pensioner and for the reasons stated in the application the delay caused in filing the O.A. is condoned in the interest of justice and equity.

The respondent will get an opportunity to contest the litigation on merit. In view thereof, the following order :-

ORDER

The C.A. is allowed with no order as to costs.

O.A.64/2017 -

Issue notice to R-2, returnable on 29-03-2017. Learned P.O. waives notice for R-1.

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. Respondent is 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. **S.O. 29-03-2017.**

Member (J).

dnk.

O.A.No. 262/2016

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

Dated : 28.02.2017.

MCAs. No. 84 & 85 of 2016 -

Heard Shri J.R. Kidilay, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The applicant has challenged the order dated 25-08-2016 passed by this Tribunal whereby number of Petitions were disposed of. The learned counsel for the applicant submits that his O.A. No. 262/2016 is not covered by the G.R. dated 13-3-2015 and 21-3-2016 which are referred in the order and therefore along with other matters his O.A. was wrongly disposed of. If it is so it was required for the learned counsel for the applicant to file Review Petition.

3. The learned counsel for the applicant seeks permission to file fresh Review Petition in the matter

and permission to withdraw the MCA Nos. 84 & 85 of 2016 with liberty to file such a Review Petition. In the interest of justice permission to withdraw both the C.As. as well as to file Review Petition is granted. Hence, the following order :-

ORDER

The C.A.Nos. 84 & 85 of 2016 stand disposed of as withdrawn as prayed by the learned counsel for the applicant with liberty to file Review Petition with no order as to costs.

Member (J).

O.A.St. No. 1051/2016

Coram : Hon. Shri J.D. Kulkarni,

Member (J).

Dated : 28.02.2017.

C.A.274/2016

Heard Shri A.B. Bambal, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that the relief sought at Clause no. 3, i.e., stationary allowance is not pressed and he is claiming only relief as per prayer clause no.2. As per para 8 (2), the applicant has prayed to direct the respondents to pay additional allowance @ 10% of the basic pay for handling an additional charge as Talathi for the period from 1-8-1996 to 17-6-1999 with interest @12% p.a. In fact, the said relief is hopelessly barred by limitation and no grounds are made out for condonation of delay almost 15 years and 5 months.

3. The learned counsel for the applicant however submits that during the pendency of application he has been paid additional pay @ 10% for the period from 1-8-1996 to 28-7-1997 vide order dated 22-11-2016. The copy of the said order is placed on record which is marked as "Exhibit-X" for the purpose of identification. In view of this, it is clear that the applicant has already received the amount for a year i.e. from 1-8-1996 to 28-7-1997.

4. In view of this, there is no reason as to why the amount for the remaining period is not being paid.

5. The learned P.O. submits that as per the request of the applicant the Collector office has sanctioned the amount for handling additional charge to the applicant vide letter dated 22-11-2016 for the period from 1-8-1996 to 17-6-1999 and there is no provision to pay interest. The learned counsel for the applicant submits that he is not interested in interest.

6. In view thereof, the application can be disposed of by giving directions. Hence, the following order.

ORDER

The application for condonation of delay is allowed in the interest of justice. The respondents are directed to pay the additional pay @ 10% as claimed by the applicant for the period upto 17-6-1999 within three months from the date of receipt of this order with no order as to costs. In view of this, the C.A. as well as O.A. (St.) stand disposed of.

Member (J).

O.A.No. 12/2017

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

Dated : 28.02.2017.

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

2. The applicant is working as a Librarian in the Govt. Science College, Gadchiroli since 25-07-2014. The applicant is claiming benefit of the G.R. issued by the Govt. of Maharashtra dated 11-7-2000 (P-14) and other orders and circulars in this regard whereby an employee has been given option of choice of posting to those, who worked satisfactorily in the naxalite area for two years.

3. The applicant accordingly applied for his transfer at Amravati vide representation dated 2-2-2016 (P-31). The said representation was however rejected on the ground that the applicant has not completed his tenure of two years and there is a shortage of two months' period for such completion. The applicant again made representation for his

transfer, but such representation is not decided.

4. According to the applicant he has completed two years period at Gadchiroli. In view of this, the G.R. dated 11-7-2000 is now applicable to him. The learned counsel for the applicant submits that his case may be considered in the annual general transfers of 2017 and he be given choice posting as requested by him and with such direction the application can be disposed of.

5. Considering the facts and circumstances as referred above, I am satisfied that the application can be disposed of with necessary direction. Hence, the following order :-

ORDER

The respondents are directed to consider the claim of the applicant, if admissible as per the G.R. dated 11-7-2000 at the time of annual general transfers for the year 2017. No order as to costs.

Member (J).

dnk.