

O.A.189/2010 (DB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 12.10.2018

M.C.A.26/2018 -

Heard Shri D.R. Bhoyar, learned counsel for the applicant, Shri V.A. Kulkarni, learned P.O. for R-1,2&4 and Shri Bharat Kulkarni, learned counsel for R-3.

2. The learned counsel for the applicant appeared today and submits that the matter was listed in the Weekly Board on 10th August, 2018 and it was dismissed in default and therefore he filed MCA for restoration of the O.A.

3. For the reasons stated in the application, the MCA for restoration is allowed and the O.A. be restored to its original file.

O.A.189/2010 –

The matter be kept **after two weeks** before regular Division Bench.

Member (A).

dnk.

O.A.288/2018 (DB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 12.10.2018

C.A.172/2018 -

Shri V.N. Patre, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for R-1 to 3. None for R-4 to 10.

2. The learned P.O. submits that he wants to file reply-affidavit and for that purpose he seeks further time.

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

Member (A).

dnk.

O.A.Nos. 179, 564 & 813 of 2018(DB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 12.10.2018

Heard Shri A. Chakotkar, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. and Shri S.A. Deo, learned CPO for the respondent.

2. It appears that already a detailed order has been passed by this Tribunal in group of O.A.Nos. 141,158 & 159 of 2017 on 27th March,2017 and therefore in present O.A. Nos. 179, 564 & 813 of 2018 also the same kind of order will continue, which is as under :-

“The applicants have prayed for quashing and setting aside the impugned clause nos.4.1,4.3,4.4,4.5 and 4.7 of the G.R. dated 7/8/2012. The learned counsel for the applicants has placed on record a copy of order passed by this Tribunal in O.A.No.84/2017, dated 16/2/2017 in which the operation of the G.R. dated 7/8/2012 has been stayed. The learned CPO agrees that in many

other matters, operation of the said G.R. has been stayed. In view thereof, the relief claimed by the applicants and the operation of the clause of the G.R. as mentioned in para G of the prayer clause is stayed till further orders. The learned CPO seeks time to file affidavit-in-reply in the O.A.”

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

Member (A).

dnk.

O.A.814/2018 (DB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 12.10.2018

Heard Shri A. Chakotkar, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. and Shri S.A. Deo, learned CPO for the respondent.

2. In this O.A. the learned counsel for the applicant wants to take instructions from the applicant and for that purpose he seeks time.

3. At the request of learned counsel for the applicant, matter be kept **after two weeks.**

Member (A).

dnk.

O.A.Nos.815,816 & 817 of 2018 (DB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 12.10.2018

Heard Shri A.C. Dharmadhikari, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the State.

2. These O.As. are regarding appointment on the posts of Assistant Public Prosecutor on temporary basis.

3. In the meanwhile, issue notices to R-2 and 3, returnable **in two 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. Applicants are 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. Applicants are 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 Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. two weeks.**

Member (A).

dnk.

O.A.No.933/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

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

The Id. P.O. has already filed affidavit-in-reply on behalf of the respondent no. 3. He further submits that the reply is sufficient.

With the consent of Id. counsel and Id. P.O., the matter is **admitted** and kept for final hearing.

S.O. 26/10/2018.

Put up along with the O.A. 934/2017.

Member (A)

aps.

O.A.No.934/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

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

With the consent of Id. counsel and
Id. P.O., the matter is **admitted** and kept for
final hearing.

S.O. 26/10/2018.

Put up along with the O.A. 933/2017.

Member (A)

aps.

O.A.No.716/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

C.A.Nos. 298 & 299/2018:-

Shri N.R.Saboo, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondent nos. 1 & 2. None for respondent no. 3.

The Id. counsel for the applicant invited attention in order dated 10/10/2018, he pointed out that before S.O. 17/10/2018 in order dated 12/09/2018 in para no. 2 interim relief should have continued till filing of the reply. The same is missing in the order dated 10/10/2018 while writing. **So, it is corrected that interim relief granted in para no. 2 in order dated 12/09/2018 will continue till 17/10/2018** when matter will be listed for final disposal.

Hence, the **C.A. 298/2018** is **disposed of**. The Id. counsel for the applicant pointed out that C.A. 299/2018 is also allowed, so he should carry out the necessary amendment. So, **C.A. 299/2018** is allowed.

S.O. 17/10/2018, for final disposal.

Member (A)

aps.

O.A.No.809/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri N.B.Bargat, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. Issue notice to R-2 & 3, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

limitation and alternate remedy are kept open.

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

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

8. *Status-quo as on today is continue till next date of hearing.*

9. *Steno copy is granted.*

10. *Put up this matter along with the O.A. Nos. 810 & 811/2018.*

11. **S.O. two weeks.**

Member (A)

aps.

O.A.No.810 & 811/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri S.M.Vaishnav, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. Issue notice to R-2 & 3, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra

Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

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

8. *Status-quo as on today is continue till next date of hearing.*

9. *Steno copy is granted.*

10. *Put up this matter along with the O.A. Nos. 809/2018.*

11. **S.O. two weeks.**

Member (A)

aps.

**O.A.Nos.422,431,432,433,434&473/18
(S.B.)**

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

The Id. counsel for the applicant placed reliance on the Judgment of Hon'ble High Court, Mumbai Bench at Aurangabad in Writ Petition No. 3643 of 2009. In this Judgment in para no. 21, Maharashtra Administrative Tribunal, Mumbai in O.A. 749/2008 order has been set aside and in the same Writ Petition in para no. 19 directions have been given regarding Police Personnel Employed in Wireless Section and regarding benefit of promotion to the next level post.

The Id. C.P.O. and Id. P.O. are directed to study the matter whether the same issue is involved in the Writ Petition or it's a different matter.

S.O. one week.

P.H.

Member (A)

aps.

O.A.No. 694/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

The Id. counsel for the applicant has filed the pursis dated 10/10/2018 and he has pointed out that since the grievances of applicant has been redressed and he wants to withdraw the O.A. He is allowed to do so.

Hence the O.A. is dispose of as withdrawn with no order as to costs.

Member (A)

aps.

O.A.No. 694/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

The Id. counsel for the applicant has filed the pursis dated 10/10/2018 and he has pointed out that since the grievances of applicant has been redressed and he wants to withdraw the O.A. He is allowed to do so.

Hence the O.A. is dispose of as withdrawn with no order as to costs.

Member (A)

aps.

O.A.No. 35/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Smt. S.W.Deshpande, the Id. counsel for the applicant and Shri P.N.Warjurakar, Id. P.O. for the Respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

The Id. P.O. in reply of respondent no. 2 in para no. 5 has pointed out following observations:-

"It is further most respectfully submitted that, the Dean has already recommended to condone the period of 7 months for grant of pension to the applicant. The Director Medical Education has also recommended and communicated to secretary to consider this matter on sympathetic ground so that pension

be granted to the applicant. These applications are under consideration of Government, unless the final decision is taken in this regard pension cannot be granted to the applicant. The applicant has prematurely filed original application without waiting for the outcome of recommendation made by Dean and Director"

In view of the affidavit-in-reply submitted in para no. 5, the respondent no. 1 is directed to decide the matter **within two months** from the date of this order.

With the above directions, the O.A. is disposed of with no order as to costs.

Member (A)

aps.

O.A.No.158/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri N.C.Phadnis, the Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

The Id. P.O. seeks time to file affidavit-in-reply. At his request, **S.O. 23/10/2018** for reply.

Meanwhile, the Id. P.O. is directed to supply the copy of the reply in advance to the Id. counsel and he so desires, may file Rejoinder before the next date.

Member (A)

aps.

O.A.No.373/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri P.J.Mehta, the Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

The Id. P.O. files the affidavit-in-reply on behalf of the respondent nos. 2 and 3. The same is taken on record. Copy is served to the other side.

The Id. counsel for the applicant wants to file Rejoinder. At his request, **S.O. two weeks.**

Member (A)

aps.

O.A.No.470/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri S.K.Thengre, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

In view of the facts that, applicant is getting superannuated on 31/12/2018. So, respondent nos. 5 and 6 are directed to take necessary actions about applicant's representation dated 05/03/2018 on P.B., Pg. No. 41 (Annexure-A-10) and do necessary corrections, if needed in service book **Within One Month** from the date of this order.

With the above directions, **the O.A. is disposed of with no order as to costs.**

Member (A)

aps.

O.A.No.503/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 12.10.2018.

Heard Smt. S.W.Deshpande, the Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State.

The Id. counsel for the applicant submits that amendment application was not accepted by office. So, the condonation of delay application is taken on record.

S.O. next Friday i.e. 19/10/2018.

Member (A)

aps.

O.A.No.575/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri A.R.Ingole, the Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondent nos. 1 to 3. None for Respondent no. 4.

The Id. P.O. submits that the affidavit-in-reply on behalf of the respondent no. 4 has already filed. It is directed to office to supply the copy of the same to the Id. counsel for the applicant.

The Id. P.O. submits that he will file the affidavit-in-reply on behalf of the other respondents. **S.O. 22/10/2018.**

Member (A)

aps.

O.A.No.673 & 674/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri Bharat Kulkarni, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State.

The Id. counsel for the applicant submits one Judgment of Hon'ble High Court, Mumbai bench at Nagpur in Writ Petition No. 6796/2014 along with the bunch of Writ Petition and order in para no. 5 following observations are made:-

"We hold the cut-off dated 27th Feb. 2009 prescribed in Government Resolution dated 30th Oct. 2009 for payment of revised pension under the Maharashtra Civil Services (Pension) Rules, 1982, making it applicable to those employees who retired from 27th Feb. 2009 and not to those employees who retired between 01st Jan. 2006 to 26th Feb. 2009 as unconstitutional."

The Id. P.O. submits that he is not aware that, whether this order has been challenged in the Hon'ble Supreme Court or not. However, the Id. counsel for the applicant submits that it has been challenged and dismissed. The Id. counsel for the applicant submits the copy of the Hon'ble Supreme Court Order and the same is taken on record. Which is marked Exh. "X" for the purposes of identification. Copy is served to the Id. P.O.

The Id. P.O. wants to take instruction from the department, **S.O. two weeks for reply.**

Member (A)

aps.

O.A.No.451/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.10.2018.

Heard Shri A.R.Ingole, the Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

The Id. counsel for the applicant produced the representation of applicant dated 26/07/2018. It is submitted today and the same is taken on record and marked "Exh. X" for the purposes of identification. The copy of the same is supplied to the other side.

The respondent no. 2 is directed to consider and dispose of the representation of applicant letter dated 26/07/2018 **within four weeks** from the date of this order.

**With the above directions, the
O.A. is disposed of with no order as to
costs.**

Member (A)

aps.