

O.A. 215/2011 (D.B.)

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

**Dated : 26/09/2018**

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

At the request of Id. counsel for the applicant, **S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 93/2018 (D.B.)**

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

**Dated : 26/09/2018**

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

2. The learned P.O. submits that he will file reply-affidavit during the course of day.

The matter be kept on **01/10/2018** for hearing.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 396/2018 (D.B.)

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

**Dated : 26/09/2018**

Shri N.D. Thombre, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and Shri M.V. Joshi, Id. counsel for R-5.

At the request of Id. P.O. as well as Id. counsel for R-5, **S.O. two weeks** for filing reply as a last chance.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 769/2010 (D.B.)

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

**Dated : 26/09/2018**

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

**Closed for orders.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 832/2010 (D.B.)**

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

**Dated : 26/09/2018**

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1. None for R-2.

2. On 21<sup>st</sup> September,2018 when the matter was taken on Board Shri S.P.Palshikar, Id. counsel appeared and submitted that he has already handed over a brief to Advocate Shri M.I. Dhattrak. The matter is kept today for dismissal. But today nobody appeared for the applicant. Hence, the matter is dismissed in default with no order as to costs.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 685/2010 (D.B.)

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

**Dated : 26/09/2018**

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

2. The learned P.O. has placed on record copy of the affidavit dated 02/02/2011 and submits that same was not inadvertently kept on record. He seeks permission to file said affidavit on record. He is permitted to do so.

3. The learned counsel for the applicant has placed on record the copy of charge sheet served on the applicant. Same is taken on record and marked Exh-X for the purposes of identification.

4. At the request of Id. counsel for the applicant, **S.O. 28/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 221/2010 (D.B.)

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

**Dated : 26/09/2018**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2.

2. The matter be kept **on 28/09/2018** for the argument of learned P.O.

The matter be treated as **P.H.**

Put up along with O.A.114/2012.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 114/2012 (D.B.)

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

**Dated : 26/09/2018**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2.

**S.O. 28/09/2018.**

Put up along with O.A.221/2010.

**Member(A)**

**Vice-Chairman(J)**

dnk.



O.A. 251/2010 (D.B.)

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

**Dated : 26/09/2018**

Heard Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. Vide order dated 29/08/2018 the learned P.O. was directed to take instructions as to whether the applicant will be promoted and his seniority will be fixed in the DPC meeting and when the meeting will be conveyed to that effect. The learned P.O. has placed on record the additional reply-affidavit on behalf of respondent no.2. Same is taken on record and its copy is served on the applicant.

3. The applicant is claiming promotion to the post of Agriculture Supervisor and as per the Minutes of meeting at P.B. page nos. 123 to 147

(both inclusive) he was denied promotion only on the ground that he has not cleared the departmental examination. The learned counsel for the applicant however brought on record the Government decision dated 26/12/2006 (Annex-A-2,P-11) from which it seems that the applicant has cleared that examination prior to the DPC meeting and therefore the applicant should have been considered for promotion.

4. In the additional reply-affidavit the respondent is coming with a case that the departmental inquiry has been initiated against the applicant vide order dated 12/08/2005 under Rule 8 (12) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and after completion of the inquiry punishment was imposed upon the applicant vide letter dated 20/03/2013. It has been ordered that an amount of Rs.1,153/- is recovered from the applicant towards fine and his annual increments shall be stopped for 5 years with cumulative effect. This order was passed on 20/03/2013 as

per Annex-R-3-3. This fact however was not considered by the DPC. In fact, the DPC ought to have considered the fact that the applicant was facing departmental inquiry and subject to outcome of the departmental inquiry, the applicant should have been considered for promotion or the matter should have been kept under sealed cover. Now since the applicant has been punished in the departmental inquiry and only his annual increments have been stopped, the applicant may get an opportunity to go through that punishment on the promotional post also. He may be asked to give such option while considering for promotion. Considering all these aspects, we direct the respondent nos.2 and 3 to convey a DPC meeting as early as possible and in any case within two months from the date of this order

and in the said meeting a specific development as regards initiation of departmental inquiry and its conclusion shall be taken into consideration and necessary decision shall be taken and conveyed to the applicant accordingly.

5. With this direction, the O.A. stands disposed of with no order as to costs.

**Member(A)**

**Vice-Chairman(J)**

dnk.

Dated :- 26/09/2018.

O.A. 231/2010 (D.B.)

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

**Dated : 26/09/2018**

Heard Shri S. Wahane, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4 to 6.

**Closed for orders.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 159/2011 (D.B.)**

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

**Dated : 26/09/2018**

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

At the request of Id. counsel for the applicant, **S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.As. 196,197,198 & 199 of 2011 (D.B.)

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

**Dated : 26/09/2018**

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

The learned counsel for the applicants submits that during the pendency of the O.As. the applicants have been promoted and he wants to file copy of the same order on record and for that purpose he seeks time. At his request, **S.O. 28/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.As. 202 & 203 of 2011 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 26/09/2018**

None for the applicants.

Shri A.M. Ghogre, Id. P.O. for  
R-1&2. None for R-3.

**S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.



**O.A. 205/2011 (D.B.)**

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

**Dated : 26/09/2018**

None for the applicant.

Shri M.I. Khan, Id. P.O. for R-1  
to 4 and 6. None for R-5.

**S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 212/2011 (D.B.)

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

**Dated : 26/09/2018**

Shri N.R. Saboo, Id. counsel for  
the applicant and Shri S.A. Sainis, Id.  
P.O. for the respondents.

**S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 232/2011 (D.B.)**

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

**Dated : 26/09/2018**

Shri A.J. Mirza, Id. counsel for  
the applicant and Shri A.M. Ghogre,  
Id. P.O. for the respondents.

**S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 236/2011 (D.B.)**

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

**Dated : 26/09/2018**

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

**S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 249/2011 (D.B.)**

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

**Dated : 26/09/2018**

Shri M.R. Patil, Id. counsel for  
the applicant and Shri A.M. Ghogre,  
Id. P.O. for R-1 to 5. None for R-5.

**S.O. 27/09/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A.No.953/2017 (S.B.)**

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

**Dated : 26.09.2018.**

Ms. A.Singh, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

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

**Member (A)**

aps.

**O.A.No.259/2018 (S.B.)**

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

**Dated : 26.09.2018.**

Shri A.P.Sadavarte, the Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel for the respondent nos. 2 & 3.

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

The interim relief granted on dated 20/04/2018 in para no. 2 - *vide impugned order dated 24/01/2018 and 09/04/2018, the respondents wants to recover the so called excess amount which was paid to the applicant due to wrong fixation of his pay. The said wrong fixation relates to the period from 1989 onwards. Admittedly, the applicant has retired on superannuation and the respondents want to recover the amount from pensionary benefits. The said*

*recovery vide impugned communication is stayed till further orders. The Id. P.O. submits that the applicant has given undertaking at the time of pay fixation that if excess amount is paid to him than it will be recovered afterwards. However, the said point will be decided on merits.*

The above same para is continued till filing of reply.

**Member (A)**

aps.



**O.A.No.395/2018 (S.B.)**

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

**Dated : 26.09.2018.**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 2. The same is taken on record. Copy is served to the other side.

**S.O. one week.**

**Member (A)**

aps.

**O.A.Nos.121, 122, 123 & 124/2018 (S.B.)**

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

**Dated : 26.09.2018.**

None for the applicant. Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. He further submits that he will serve the copy to the other side.

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

**S.O. four weeks.**

**Member (A)**

aps.

**O.A.No.656/2017 (S.B.)**

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

**Dated : 26.09.2018.**

Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

The Id. C.P.O. seeks two weeks time to file affidavit-in-reply. At his request, **S.O.**  
**two weeks.**

**Member (A)**

aps.

**O.A.No.566/2018 (S.B.)**

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

**Dated : 26.09.2018.**

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

The Id. counsel for the applicant has pointed out Government order no. , e l i v & 2613 @ 25 @ i : d : 119 @ u f o & 15] dated 13<sup>th</sup> June, 2018. In para no. 7 of the said order, an appeal has been provided to Hon'ble Governor of the Maharashtra State. The applicant has preferred appeal, his appeal has been received and he has acknowledgement of receipt of appeal dated 23/07/2018.

The Divisional Commissioner, Nagpur has issued an order No. , e ; q u & 19 % 2 % @ d k f o & @ 2018] dated 09/07/2018 on P.B., Pg. No. 15 (Annexure-

A-1). The matter was heard on 27/07/2018 and in para no. 2, the stay was granted.

After hearing both the parties in the interest of justice, the applicant is directed that within one month of this order i.e. till 26/10/2018, applicant should make request to Hon'ble Governor for disposal of his appeal. At the same time, he is at liberty to request for interim relief also at the level of Hon'ble Governor only.

Interim relief granted in order dated 27/07/2018 in para no. 2 will only continue till 26/10/2018, after 26/10/2018, it will get vacated automatically.

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

**Member (A)**

aps.