

O.A. Nos. 267,268,269 of 2011 &
548,549,550,551 & 775 of 2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Shri G.G. Bade, Id. counsel for the
applicants and Shri S.A. Sainis, Id. P.O.
for the respondents.

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

Member (J)

Member (A)

dnk.

O.A. No. 893 of 2018(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Shri S.G. Jagtap, Id. counsel for the applicants, Shri S.A. Deo, Id. CPO for R-1 to 4 and none for R-5 to 8.

At the request of Id. counsel for the applicants, **S.O. 7/3/2019.**

Interim relief to continued till then.

Put up along with O.A.932/2018.

Member (J)

Member (A)

dnk.

O.A. No. 932 of 2018(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Shri S.C. Deshmukh, Id. counsel
for the applicants, Shri S.A. Deo, Id. CPO
for R-1 &2 and Shri S.R. Bhongade, Id.
counsel for R-3 to 6.

S.O. 7/3/2019.

Put up along with O.A. 893 /2018.

Member (J)

Member (A)

dnk.

O.A. No. 520 of 2018(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

The learned CPO has filed certain citations on record. The learned counsel for the applicant also wants to file certain citations on record and for that purpose he seeks time. At his request, **S.O. 6/3/2019.**

Member (J)

Member (A)

dnk.

O.A. No. 113/2015(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Shri P.S. Sahare, Id .counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. seeks time to take instructions from MPSC. At the request, **S.O. 6/3/2019**.

Member (J)

Member (A)

dnk.

C.P. 02/2016 in O.A. No. 914/2012(DB)

Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).

Dated : **28.02.2019**

C.A.37/2018 in Cont. P.02/2016

Shri S.A. Deo, Id. CPO for the applicant (original respondents) and Mrs. Sood, the respondent in person (original applicant).

At the request of Mrs. Sood, the respondent in person (original applicant), **S.O. 14/03/2019** as a last chance.

Member (J)

Member (A)

dnk.

O.A. No. 42/19 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

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

Interim relief to continue till then.

Member (J)

Member (A)

dnk.

O.A. No. 49/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2.

It appears that notice of respondent no.2 is not collected.

S.O. three weeks.

Member (J)

Member (A)

dnk.

O.A. No. 434/2015(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

C.A.48/2019

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

At the request of both the learned
counsel for parties, **S.O. 6/3/2019**.

Member (J)

Member (A)

dnk.

O.A. No. 755/2015(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

C.A.259/2017

Shri V. Bhise, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

The learned counsel for the applicant submits that all the respondents have been served except respondent nos.12 and 18 as the addresses are not correct and therefore notices of respondent nos. 12 & 18 have been returned back. The learned P.O. is directed to supply the correct address of respondent no.12 & 18 to the learned counsel for the applicant. The learned P.O. seeks three weeks time to supply the same. At his request, **S.O. three weeks.**

Member (J)

Member (A)

dnk.

C.P. 02/19 in O.A. No. 326/17(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. Await service of R-3 to 5.

2. The learned P.O. files reply on behalf of respondent no.2. It is taken on record. Copy is served on the applicant.

3. The learned P.O. is directed to take instructions from the department whether the applicant can be adjusted in Nagpur district. The learned counsel for the applicant is also requested to contact his client and take instructions in this regard.

S.O. 14/03/2019.

Steno copy is granted.

Member (J)

Member (A)

dnk.

C.P. 16/2018 in O.A. No. 402/2014(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

2. The learned counsel for the applicant pointed out the Judgment of this Tribunal dated 30/03/2015 in which in para-8 directions were given regarding payment of pension, however the review application is filed and it has been dismissed.

3. Now issue Notice to the respondent Nos. 2 returnable in **two weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

4. Shri V.A. Kulkarni, the learned P.O. waives notice for respondent No.1. Hamdast granted.

5. S.O. two weeks.

Member (J)

Member (A)

dnk.

C.P. 09/17 in O.A. No. 618/14(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

None for the applicant. Heard Shri V.A. Kulkarni ,dl .P.O. for R-1 to 3 and Ms. B.A. Abhyankar, Id. counsel holding for Shri P.Kadu, Id .counsel for R-4.

Matter is closed for orders along with CP 19/17 in O.A. 617/2014.

Member (J)

Member (A)

dnk.

C.P. 19/17 in O.A. No. 617/14(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

None for the applicant. Heard Shri V.A. Kulkarni ,Id. .P.O. for R-1 & 3 and none for R-2.

Matter is closed for orders along with CP 09/17 in O.A. 618/2014.

Member (J)

Member (A)

dnk.

C.P. 37/18 in O.A. No. 173/06 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

The learned P.O. has filed on record letter no. ~~bak' kofeuk@i's ku foHkkx~~ , dated 29/01/2019 by which the pension papers have been submitted the Accountant General office for retiral benefits.

S.O. three weeks.

Member (J)

Member (A)

dnk.

O.A. No. 554/2016 with C.A.386/17(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

The learned P.O. filed letter no. [i km l d fnuk@vkl.Fk@Jh-f' km@d-fy-@U; k](#)
[idj.l.@728@18&19](#) dated 12/02/2019 issued from Divisional Commissioner of Social Welfare Department, Nagpur. Same is taken on record and marked Exh-X. copy of the same is supplied to the learned counsel for the applicant. He wants to go through the same. At his request, **S.O.**
next week.

Member (J)

Member (A)

dnk.

O.A. No. 967/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Heard Shri W.G. Paunikar, Id. counsel for the applicant and shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. has filed Government Gazette of Revenue and Forest Department dated 18/01/1988. Same is taken on record and marked Exh-X. He submits that similar issue involved in O.A.Nos. 151/16 and 700/17 therefore the same may be kept along with this matter.

S.O. 12/03/2019 (PH).

Put up this matter along with O.As.151/16 & 700/17.

Member (J)

Member (A)

dnk.

O.A. No. 494/14(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

The learned P.O. is directed to produce service book of the applicant on the next date.

S.O. 7/3/2019.

Member (J)

Member (A)

dnk.

O.A. No. 914/2012(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Mrs. P.D. Sood, the applicant in person and Shri P.N. Warjurkar, Id. P.O. for R-1 to 5. None for R-6.

At the request of the applicant in person, **S.O. 14/03/2019**.

Member (J)

Member (A)

dnk.

C.P. 01/2014 in O.A. No. 914/2012(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

Shri P.N. Warjurkar, Id. PO for the applicant (original respondents) and Mrs. Sood, the respondent in person (original applicant/ Contemnor).

At the request of Mrs. Sood, the respondent in person (original applicant/contemnor), **S.O. 14/03/2019**.

Member (J)

Member (A)

dnk.

O.A. No. 119/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 133/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 210/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 436/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3 to 6.

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 694/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 696/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 749/2013(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

S.O. 01/03/2019 for dismissal.

Member (J)

Member (A)

dnk.

O.A. No. 434/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

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

2. The applicant was appointed in 2006 as Forest Guard in pursuance to the G.R. no. FTR-15/04/pra.kra.136/F-4, Mantralaya, Mumbai, dated 12/07/2004. It is claimed that as per Annex-10 vide letter no. kaksha/ashtha/353/2016-17, dated 6/12/2016, the applicant has been sent to the Medical Board without assigning any specific reason for that, therefore, the said order is to be illegal.

3. It is case of the department that the applicant was absent from duty unauthorizedly from 26th September, 2013 and therefore, direction was given to the applicant to appear before the Medical Board and produce fitness certificate. It is submitted by the learned P.O. that there

is no illegality in it. We have perused the certificate issued by the Medical Board, the Medical Board examined the applicant and issued certificate which at Annex-A-11. On perusal of Annex-A-11 it seems that against column "fit for duty" earlier it was written 'Yes' thereafter 'No' and both the words scoured out and thereafter 'No' is written, therefore, apparently this certificate itself is suspicious.

4. It appears from the circumstances that the applicant was appointed in service with knowledge of his physical disability in the year 2006 and as per the Annex-A-10 the applicant was on duty till 26th September, 2013. In view of this, the question would arise what was the propriety to refer the applicant to the Medical Board, because, it was not in contention of the respondents that the applicant had applied for leave on the ground of illness and therefore there was no reason to refer the applicant to the Medical Board.

5. The learned P.O. submitted that regarding absence of the applicant from duty for a period more than three years

departmental inquiry is in progress. In this regard we would like to point out that the department has every right to take action against the applicant as he remained absent from the duty though his leave was not sanctioned, but in such circumstances it cannot be justified to refer the applicant to the Medical Board and call his fitness report from the Medical Board. Once it was accepted that the applicant was appointed in service with knowledge of his physical disability and which was the same even when the applicant was examined by the Medical Board, therefore, the action of the respondent i.e. Deputy Director of Panch Tiger Project, Nagpur cannot be justified at all.

6. We have perused the reply submitted by the respondent no.4 which is at page no.60 of the P.B. In para-3 of the reply it is specifically mentioned that during the course of the examination of the applicant, it was noticed by the Medical Board that the applicant was

having only one eye which was functioning properly. The other facts are disclosing that with one eye the applicant was performing his duty in the department since year 2006 till 26th September,2013.

7. In view of this material, it is apparent that the certificate issued by the Medical Board with erasers in it, is wrong and it cannot be relied upon. Hence, this application is allowed and it is declared that certificate dated 12/01/2017 issued by the Medical Board is incorrect and it should not be acted upon. No order as to costs.

Member (J)

Member (A)

dnk.

Dated – 28/02/2019.

(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 28.02.2019

**O.A.Nos. 651,657,658,659,660,661,665,
666,678,679,680,681,682,683,684,685,
686, 687,688,689,690,691,730,731, 732,
733 with (C.A. 234/14), 734,735,736,737
of 2011.**

None for the applicants in
O.A.Nos. 651,657,658,659,660,661,665,
666 of 2011.

2. Ms. Jog, learned counsel holding
for Shri A.C. Dharmadhikari, learned
counsel for the applicants in O.A.
Nos.678,679,680,681,682,683,684,685,
686, 687,688,689,690,691,730,731, 732,
733 with (C.A. 234/14), 734,735,736,737
of 2011. Shri A.M. Ghogre, Id. P.O. and
other Id. P.Os. for the respondents.

3. Ms. Jog, Id. counsel for the
applicants submitted that in O.A.730/2011
the applicant is Veenu C. Chawariya. The
learned counsel had personally
contacted the applicant Veenu C.

Chawariya in O.A.730/2011 and it was communicated that the applicants issue has been solved and as on today these O.As. have become infructuous so all these O.As. may be disposed of.

4. In view thereof, O.A. 733 of 2011 with C.A.234/2014 and all other O.As. stand disposed off. No order as to costs.

Member (J)

Member (A)

dnk.

dated :- 28/02/2019.