

O.A.No.601/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

Heard Ms.S.U.Ganjare, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. As pointed out by Id. P.O., local officer i.e. Deputy Director, Public Health, Nagpur is not made respondent, that's why there is a delay in filing reply. The Id. counsel for the applicant is directed to make the party to the Deputy Director, Public Health, Nagpur. If the applicant's counsel has added the local officer as a necessary party then after that office is directed to issue notice to newly added respondent.

3. **S.O. three weeks.**

Vice Chairman

Date:-28/11/2019.

aps.

O.A.No.888/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

Heard Shri A.S.Dhore, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3 and Shri A.J.Kawar holding for Shri K.S.Malokar, the Id. counsel for the respondent no. 4.

2. At the request of Id. P.O., **S.O. four weeks.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.889/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

None for the applicant. Shri V.A.Kulkarni, the
Id. P.O. for the State. Await service of respondent
nos. 2 to 5.

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

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.179/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

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

2. The Id. P.O. submits the reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. 05/12/2019.**

6. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.942/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

C.A.No.441/2019:-

Heard Shri J.S.Wankhede, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. C.A. No. 441/2019 for Jt. O.A. is allowed.

3. There are two things regarding applicability of G.R. dated 07/08/2012 which has been already stayed by Hon'ble High Court. It appears that applicant nos. 1 & 2 have been appointed prior to that G.R.. However, applicant no. 3 has been regularized after the G.R. dated 07/08/2012.

4. Issue notice to R-2 to 6, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. two weeks.**

Vice Chairman

Date:-28/11/2019.

aps.

O.A.No.943/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.**

C.A.No.442/2019:-

Heard Shri J.S.Wankhede, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. C.A. No. 442/2019 for Jt. O.A. is allowed.

3. As submitted by Id. C.P.O., all the applicants were appointed prior to the issuance of the G.R. dated 07/08/2012 bearing no. eo&2012@i:da626@11 @l 3 and the said G.R. has been stayed by Hon'ble High Court.

4. The Id. counsel for the applicant has pointed out that at Annexure-A-10, P.B., Pg. No. 139 order has been placed on record. As per the M.A.T. order at P.B., Pg. No. 141 in O.A. No. 265/2019 dated 14/04/2019 and another matter of M.A.T. in O.A. No. 478/2015 the said order is delivered on 12.04.2016. In that order following observations has been made:-

A. Heard Shri J.B.Kasat learned advocate for the applicant and Shri A.P.Sadavarte Id. P.O. for the respondents.

B. Admit.

C. The interim relief is granted in terms of prayer clause 10 (b) of the O.A..

D. Matter to come up for final hearing in due course of time, with liberty to either side to mention. If occasion arise.

5. The above same is granted to the applicant too.

6. Issue notice to R-2 to 7, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. S.O. four weeks.

Vice Chairman

Date:-28/11/2019.

aps.

O.A.Nos.397 & 398/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

Heard Shri A.J.Kawar holding for Shri K.S.Malokar, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri A.S.Dhore, the Id. counsel for the Intervenor in the O.A. No. 398/2019.

2. Matter is **admitted** and kept for final hearing.

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

4. **S.O. in due course.**

Vice Chairman

Date:-28/11/2019.

aps.

O.A.No.945/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 28/11/2019.

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

2. The Id. counsel for the applicant submitted that in advertisement at (Annexure-A-5, P.B., Pg. No. 29), there are post for female in S.E.B.C. category.

3. The Id. counsel for the applicant pointed out that respondent no. 4 has been selected against S.E.B.C. Category of one vacancy of female which is at Annexure-A-5, P.B., Pg. No. 29. As selection is made as per P.B., Pg. No. 41 in the quota of S.E.B.C., female at Sr. No. 24 (Respondent no. 4) selected one candidate. However, the Id. counsel for the applicant points out that at P.B., Pg. No. 48, respondent no. 4 is at Sr. No. 161 and her category is shown as O.B.C.. Now, it is difficult to understand that how applicant can be shown as O.B.C. in the same establishment and also can be shifted against the quota of S.E.B.C., female.

4. Respondents are directed not to issue appointment letter to respondent no. 4 against the advertisement at (Annexure-A-5, P.B. Pg. No. 29) and selection list shown at Annexure-A-6, P.B., Pg. No. 41 at Sr. No. 24 till filing of the reply.

5. Issue notice to R-2 to 4, returnable on 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.
11. **S.O. three weeks.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.490/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

C.A.No.211/2018:-

Heard Shri S.U.Bhuyar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant wants to amend the prayer clause for that he filed C.A. No. 211/2019. As agreed by Id. P.O., **C.A. No. 211/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week.

3. **S.O. in due course for final hearing.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.619/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

There is a leave note of Shri G.G.Bade, the Id. counsel for the applicant. Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent no. 3.

2. The Id. P.O. submitted reply of respondent no. 2. It is taken on record. He submits that he will serve the copy to the other side. He further submits that it is sufficient for other respondents.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

Vice Chairman

Date:-28/11/2019.

aps.

O.A.No.299/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.**

None for the applicant in person. Shri
V.A.Kulkarni, the Id. P.O. for the respondents.

2. **S.O. one week.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.631/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.**

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

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

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.835/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.**

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

2. **S.O. two weeks.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.964/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

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

2. The respondent no. 2 i.e. Commissioner, Tribal Development, Nashik has not filed reply and he has decided D.E. punishment in appeal which is under challenged. The order passed in appeal is dated 21/05/2018 (Annexure-A-1, P.B., Pg. No. 16 to 19). The Id. counsel for the applicant seeks relief only to the extent of his suspension period between 30/04/2016 to 02/11/2017.

3. The Id. P.O. is directed to file reply **within three weeks**. If he is unable to file reply then matter will be heard on merit.

4. **S.O. 19/12/2019.**

5. **Steno copy is granted.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.57/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.**

C.A.No.44/2019:-

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

2. **C.A.No. 44/2019 for Jt. O.A. is allowed.**
3. **At the request of Id. P.O., S.O. four weeks to file reply.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.843/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri B.Kulkarni holding for Shri J.S.Deshmukh, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of Id. counsel for the applicant, **S.O. 11/12/2019.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.844/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri B.Kulkarni holding for Shri J.S.Deshmukh, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of Id. counsel for the applicant, **S.O. 11/12/2019.**

Date:-28/11/2019.
aps.

Vice Chairman

O.A.No.901/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

C.A.No.443/2019:-

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

2. The Id. counsel for the applicant has pointed out Annexure-A-8, P.B., Pg. No. 26 that address is not correctly printed in O.A., he desires to correct the address. He is permitted to do so. Hence, **C.A.No.443/2019 for correcting address of respondent no. 3 is allowed.** The Id. counsel for the applicant is directed to carry out the amendment forthwith.

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.792/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri R.G.Kavimandan holding for Shri S.S.Shingane, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. filed letter dated 25/11/2019. It is marked Exh. "X" for the purpose of identification along with the G.R. dated 16/01/2019 bearing no. T; \$Brk&2016@i zdt:325@l dk&3. Both these documents are taken on record. Copies are served to the other side.

3. The Id. P.O. also pointed out that the said applicant was in Government of India establishment during the period from 03/11/2000 to 26/12/2005. Hence, State Government cannot make responsible for the payment.

4. Hence, the matter is **admitted** and kept for final hearing.

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

6. S.O. next week.

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.941/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri R.G.Kavimandan, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

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

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.657/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri A.C.Dharmadhikari, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. In order dated 20/11/2009, the Id. P.O. was directed to file argument regarding verification of certificate submitted by applicant. Today, Id. P.O. has filed letter from the department which is marked Exh. "X" along with State Government letter dated 07/03/2019. Both are taken on record. Copies are served to the other side.

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

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.197/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.**

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the respondents.

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

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.502/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri S.C.Deshmukh, 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. 03/12/2019.**

Vice Chairman

Date:-28/11/2019.

aps.

O.A.Nos.528&642/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri N.D.Thombre, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. filed M.A.T., Nagpur Bench Judgment in O.A. No. 313/2018 delivered on 16/07/2019. It is taken on record. Copy is served to the other side.

3. The Id. P.O. has also filed S.C. Judgment in **State of Himachal Pradesh & Another Vs. Tilak Raj, (2014) 16 Supreme Court Cases 545**. It is also taken on record. Copy is served to the other side. At P.B., Pg. No. 546 the marked portion is below:-

"C.Administrative Law-Judicial Review-Exclusion of Judicial Review-Expert Body-Fixing of pay scale-Held, should be left to expert body like the pay commission or other similar body."

4. Closed for orders.

Vice Chairman

Date:-28/11/2019.

aps.

O.A.No.731/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.

Heard Shri S.C.Deshmukh, 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 filed chart which is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. He further submits that in chart itself says that all the retirement benefits have been paid with date. Now only arguments remains about the interest part.

4. The Id. counsel for the applicant has pointed out Rejoinder to the reply and at P.B., Pg. No. 67 in para no. 5, where he has submitted that Rs. 20,000/- taken by applicant was refunded in April, 2015. However, Id. P.O. has pointed out Annexure-R-2 P.B., Pg. No. 65 of reply and it appears by letter dated 19/12/2015 and receipt dated 04/01/2016 shows that till that time, the amount Rs. 20,000/- amount was not refunded. As Administrative Officer was asked to the applicant to refund the amount at earliest.

5. Now, all the retirement benefits has been paid. Hence, the Id. counsel for the applicant has only grievance on interest part but the letter filed by the respondents dated 19/12/2015 shows that

applicant was also somehow responsible for delay of payment.

6. The Id. counsel for the applicant wants to take instructions from the applicant. **S.O. 06/12/2019.**

7. **Matter be treated as P.H.**

Vice Chairman

Date:-28/11/2019.
aps.

O.A.No.71/2017withC.A.No.41/2017(S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/11/ 2019.**

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

2. At the request of Id. P.O., **S.O. 03/12/2019.**

Vice Chairman

Date:-28/11/2019.
aps.