

O.A. No. 427/2016.

(D.B.)

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

Dated : 30th October 2018.

Shri S.S.Chavhan holding for Shri P.S.Chavhan, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

At the request of Id. counsel for the applicant matter be kept after vacation. **S.O.**
After Diwali Vacation.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No. 604/2010.

(D.B.)

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

Dated : 30th October 2018.

C.A.No.117/2018:-

Shri M.Y.Wadodkar, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The amendment sought is explanatory and it will not change the nature of the original claim. In view the reasons stated for the amendment, the application for amendment is **allowed** and it be incorporated within one week. Respondents may file reply on the amendment O.A.

S.O. after three weeks.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No. 450/2017.

(D.B.)

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

Dated : 30th October 2018.

C.A.No.308/2017:-

Smt. R.Padhye, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

At the request of Id. counsel for the applicant matter be kept after vacation. **S.O.**
After Diwali Vacation.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No. 147/2018.

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Shri S.K.Hatwar, the Id. counsel for the applicant and Shri H.K.Pande, the 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. After Diwali Vacation.**

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No. 499/2018.

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

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

The Id. P.O. files the affidavit-in-reply on behalf of the respondent no. 1. The same is taken on record. Copy is served to the other side. He further submits that the reply of other respondents are not necessary.

The Id. counsel for the applicant submits that all the respondents have been served. At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation for Rejoinder, if any.**

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No. 693/2011.

(D.B.)

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

Dated : 30th October 2018.

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

At the request of Id. counsel for the applicant, **S.O. tomorrow i.e. 31/10/2018.**

Put up this matter alongwith the O.A. No. 706/2011.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No. 706/2011.

(D.B.)

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

Dated : 30th October 2018.

Ms. R.A.Bhusari holding for Shri N.R.Bhishikar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. tomorrow i.e. 31/10/2018.**

Put up this matter alongwith the O.A. No. 693/2011.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.Nos.267, 268 & 269/2011 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

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

At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

Matter is treated as P.H.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.843/2015 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**
Dated : 30th October 2018.

Heard Shri P.S.Wathore, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

Since the pleadings are completed. The matter is **admitted** and kept for final hearing.

The Id. P.O. waives notice for all the respondents.

S.O. 29/11/2018.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.202/2015 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

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

Nobody is appearing for the applicant since long so many dates. Even the copy of the original application has not been supplied to the Id. P.O.

In view of this, **O.A. stands dismissed in default.**

Member(A) Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.335/2011 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

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

At the request of Id. P.O., **S.O. After
Diwali Vacation.**

Member(A) Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.261/2016 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Shri P.J.Mehta, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3 and Shri B.D.Pandit, the Id. counsel for the respondent no. 4.

At the request of Id. P.O., **S.O.**
29/11/2018.

Member(A) Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.416/2017 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Shri S.S.Ghate, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 4 and Shri D.V.Mahajan, the Id. counsel for the respondent no. 4.

At the request of Id. P.O., **S.O.**
28/11/2018 for taking instructions.

Member(A) Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.180/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

Member(A) Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.777/2012 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Rev.Appl.No.17/2015:-

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondents.

The matter is coming for the first time after 01/08/2016 prior to this circulation the matter has been taken today due to circulation granted by the applicant. However, none appeared for the applicant today. The Id. P.O. submits that the review is sought only on the ground that one of the selected candidates Shri Virendra Purushottam Padole did not joined the post and, therefore, the applicant be considered for appointment on the post of Shikshan Sevak. The Id. P.O. submits that Shri Padole has already joined the duty and, therefore, the applicant contention is not valid.

The Id. P.O. has filed some documents on record which is marked Exh. X and X-1 for the purpose of identifications. Since nobody

appeared today. Hence the matter be kept after vacation.

S.O. After Diwali Vacation.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.81/2007 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Rev.Appl.No.02/2015:-

Heard Shri M.R.Rajgure, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent no. 4 and Shri V.G.Palshikar, the Id. counsel for the respondent nos. 1 to 3.

The Id. Special Counsel filed the reply on behalf of the respondent nos. 1 to 3. The same is taken on record. Copies are served to the other sides.

The applicant is claiming review of the order in O.A.No. 81/2007 on 16/03/2015. In the O.A. following reliefs were claimed in para no. 9 of the O.A.:-

1. Direct the respondents to grant the arrears of salary w.e.f. 01/04/1981 to 02/11/1996 in view of the pay fixation order dated 04/04/1997 (Annexure-24) Pg. Nos. 78 & 79 with interest @ Rs. 12 % p.a. as per provision of Government Resolution dated

22/11/1994 vide Annexure-37, Pg. Nos. 227 to 229.

2. To quash and set aside the impugned orders dated 16/10/1993 Annexure-I and dated 04/06/1997 Annexure-II Pg. Nos. 33 to 35 passed by Respondent no. 2 & 3 being illegal, malafide, perverse and against the provisions of Rules and law.
3. Direct the respondents to grant the pension as computed Rs. 4,720 p.m. w.e.f. 03/11/1996 in Vth Pay Commission in scale Rs. 6500-200-10500 vide pay fixation order dated 04/04/1997 (Annexure-24) and gratuity amount on the basis of basic pay Rs. 9500/- arrived in Vth Pay Commission. Payable Gratuity amount Rs. 1,56,750/-with interest at the rate of 18 % p.a. under Rule 129(A) and (B) of M.C.S. (Pension) Rule 1982 as shown in the legal notice dated 08/09/2005 (Annexure-32).
4. To quash and set aside the impugned order dated 04/06/1997 regarding fixing pension at Rs. 1150/- vide Annexure-III (Pg. 36).

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.81/2007 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

Rev.Appl.No. 02/2015:-

Heard Shri M.R.Rajgure, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent no. 4 and Shri V.G.Palshikar, the Id. counsel for the respondent nos. 1 to 3.

2. The Id. Special Counsel filed the reply on behalf of the respondent nos. 1 to 3. The same is taken on record. Copies are served to the other sides.

3. The applicant is claiming review of the order in O.A.No. 81/2007 on 16/03/2015. In the O.A. following reliefs were claimed in para no. 9 of the O.A.:-

1. Direct the respondents to grant the arrears of salary w.e.f. 01/04/1981 to 02/11/1996 in view of the pay fixation order dated 04/04/1997 (Annexure-24) Pg. Nos. 78 & 79 with interest @ Rs. 12 % p.a. as per provision of Government Resolution dated

22/11/1994 vide Annexure-37, Pg. Nos. 227 to 229.

2. To quash and set aside the impugned orders dated 16/10/1993 Annexure-I and dated 04/06/1997 Annexure-II Pg. Nos. 33 to 35 passed by Respondent no. 2 & 3 being illegal, malafide, perverse and against the provisions of Rules and law.
3. Direct the respondents to grant the pension as computed Rs. 4,720 p.m. w.e.f. 03/11/1996 in Vth Pay Commission in scale Rs. 6500-200-10500 vide pay fixation order dated 04/04/1997 (Annexure-24) and gratuity amount on the basis of basic pay Rs. 9500/- arrived in Vth Pay Commission. Payable Gratuity amount Rs. 1,56,750/-with interest at the rate of 18 % p.a. under Rule 129(A) and (B) of M.C.S. (Pension) Rule 1982 as shown in the legal notice dated 08/09/2005 (Annexure-32).
4. To quash and set aside the impugned order dated 04/06/1997 regarding fixing pension at Rs. 1150/- vide Annexure-III (Pg. 36).
4. According to the applicant, the main grievances of the applicant was regarding

correct and legal pay-fixation and that will relevant to the Maharashtra Civil Services (Pay) Rules, 1981. The applicant had submitted the option at the time of fixation. The Id. counsel for the applicant submits that the earlier O.A. 12/1997 was withdrawn by the applicant in view of the affidavit filed by the respondent no. 1 on 11/04/1997 and in view of the pay fixation of the order dated 04/04/1997 and thereafter the respondent no. 1 changed the view and took a summer salt. In the Judgment, this facts are not considered. The respondents have filed reply to the review application and submits that there is no error on record and alleged error, if any will not affect the merits of the fact and, therefore, the review application is not tenable.

5. We have perused the Judgment delivered by this Tribunal in O.A.No.81/2007. The Tribunal had widely discussed these issues in para nos. 8 and 9 as well as para no. 10 of the Judgment. If the applicant is aggrieved by this order, it is open for him to file Writ Petition in the Hon'ble High Court or Appeal before the Apex Court. *Prima facie* there is no error apparent on the face of record, so is to review the order. **Hence the**

**review petition stands dismissed with no
order as to costs.**

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.93/2018 (D.B.)

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

Dated: 30th October 2018.

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

2. The applicant has challenged the impugned communication dated 29/12/2017 (Annexure-A-7) whereby his appointment to the post of Police Constable grade 'C' on SBC category has been cancelled. The reason for such cancellation is that the applicant did not produce the Sports Certificate as per advertisement. We have perused the advertisement as well as the application filed by the applicant for recruitment to the post of Police Constable. The application is dated 17/03/2017. The copy of the said application is at P.B., Pg. No. 56 to 58 (both inclusive). As per the advertisement, the last date of application was 17/03/2017 and it was obligatory on the part of the applicant to submit duly verified Sports Certificate prior to that date. From the record it seems that

alongwith the application dated 17/03/2017, the applicant submitted Sports verified certificate, it was certified on 13/03/2017 which is at P.B., Pg. No. 54 and 55 (both inclusive). The competent authority i.e. the Deputy Director of Sports & Youth Services, Nagpur has therefore, certified that the Sports Certificate of the applicant as valid.

3. The Id. P.O. submits that the respondent no. 4 in-validated the certificate of the applicant for availing privilege under Sports Category on 25/07/2017 and, therefore, the certificate of the applicant stood rejected automatically. However, it cannot be accepted because subsequently on 26/04/2017 the recognition has been granted to the organization and the organization shown again Sports event which took place on 18/02/2017 and 19/02/2017 was held valid.

4. From the aforesaid circumstances, it will be clear that as per the advertisement, the applicant has applied for the post of Police Constable alongwith duly certified Sports Certificate from the Deputy Director of Sports dated 13/03/2017. On that date the applicants certificate was valid and even it was valid till it was alleged to be cancelled i.e. from 13/03/2017 till 25/07/2017. Thereafter

on 26/04/2017 it was again declared valid and valid Sports Certificate was issued. The rejection of the candidature of the applicant, therefore, is absolutely illegal. It is admitted that one post has been kept vacant. Since, the respondents were directed not to appoint anybody from the post of SBC vide order dated 06/02/2018. In such circumstances, there is absolutely no reasons as to why the applicant shall not be appointed to the post. The applicant should have been appointed immediately. Since, the applicant has not worked on the post he will not be entitled to any arrear but it shall be presumed his appointment to the post of Police Constable from SBC category. The applicant will be at liberty to file representation for deemed date if any. The respondents shall consider it as per the Rules only. No order as to costs.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A.No.733/2017 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 30th October 2018.**

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

2. The applicant has applied for the post of Police Constable from the Sportsman Category. His name was earlier shown in the provisional merit list but in the final select list his name is shown at waitlist no. 1 and afterwards his name was deleted from the final select list. According to the applicant, he got 159 marks and one Shri Rahul Bakaram Kamthe who scored 164 marks from open Sportsman Category did not join and therefore, one post of Open Sportsman Category remain vacant. In view of the vacation, the applicant was called for verification of documents. Being at Sr. No. 1 in the waitlist and his documents were verified but instead of appointing the applicant, the respondent no. 5 Shri Chandrakant Kendre has been appointed on the post, though Shri Kendre got 149 marks from Open Sportsman

Category and his name was not in the waitlist. This Tribunal vide order dated 29th Sept. 2017 has considered all these aspects and made it clear that the selection of Shri Kendre was subject to outcome of the O.A. The respondent no. 5 did not file any reply. Accordingly, the respondent nos. 2 & 3 have submitted that, the Sports Certificate submitted by the applicant is not genuine and, therefore, the applicant case was considered and since the certificate was not genuine, Shri Kendre was appointed who was next in the merit after applicant.

3. The Id. P.O. filed the pursis alongwith the minutes of meeting on record, were the applicant's claim has been rejected. The same is marked Exh. – X & X-1 for the purposes of identifications. The copy are served to the other side. In the said minutes of meeting, it is stated about the applicant as under:-

"Open Category Sportman-Waiting List

1	3063	Sagar Surendra Palandurkar	Male	17/11/91	Open
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I nj menokjkus fnukad 18&02&2013 rs
27&02&2013 ; k dkyko/Ahr vejkorh ; fAsHajfo. ; kr vkyY ; k
vkrjftYgk Li/AE/ ; s xkln ; k ftYg ; kps ifrfuf/ARo dY ; kps
iek.Ai = dlxni = iMrkG.Ah njE ; ku I knj dsys vkgs r l p
fnukad 16&03&2016 jksth TO WHOMSOEVER IT
MAY CONCERN vl s uem vl yY ; k i =ke/ ; s xkln ; k
ftYgk QvckW I Akus mijkDr Li/AE/ ; s frl jk dkd i tr
dY ; kpsuem vkgs

i ksyhl Hajrh f'ki kbZHajrh & 2017 e/Ahy fu ; ekoyh
iek.As [AGMq vkj {A.Ak I nHAKr jk"Vh ; Lrjkohy Li/AE/ ; s
egkj k"Vtks@jKT ; Lrjkohy I ac/Ar foHAKx @ftYg ; kpsi frfu/ARo
d : u I Akusi Fie] f}rh ; vFAok rrrh ; LFAku@ l p .A@ jkS ; fcdok
dk ; i nd feGfoGsvko' ; d vkgsvl suem vkgs

I nj menokjkusl knj dsysiek.Ai = gsjk"Vh ; @jKT ;
Lrjkohy fcdMk Li/AE/ ul Y ; kus I njps iek.Ai = xtg ; /Ajrk
 ; sAkj ukgh I ehrtusl okLupersl nj menokjkl vik= Bjfo. ; kpk
fu.AE , derkus?Ar-yk vkgs

xkln ; k ftYgk i ksyhl Hajrh&2017 e/Ahy mijkDr
menokjkuk oxGuw menokjkph vfire fuoMl ph@ Final
Selection List r ; kj d : u I fertP ; k ekU ; rus tkghj
dj. ; kr vkys"

4. From the aforesaid minutes of meeting,
it will be clear that appointment has been
refused to the applicant on the ground that
the Sport certificate submitted by him was not
genuine. It is admitted fact that whether a
Sportsman Certificate is valid or not is to be

considered by Director of Sports and Youth Services, Government of Maharashtra and he is the only competent authority.

5. The respondent no. 4, the Deputy Director of Sports and Youth Services has filed affidavit-in-reply. The same is at P.B., Pg. No. 117 to 119 (both inclusive). In para nos. 5 & 6 of the said affidavit of the reply. The respondent no. 4 has stated as under:-

"5. It is further submitted that after scrutiny of all the relevant documents submitted in the office by the applicant, the answering respondent scrutinised the approved list of associations all over India and affiliated units of Football sport association affiliated to National Sports Federation. At that time it was found that the certificate bearing the signature of the office bearers are true and names of the president and secretary are correct and as such the certificate is genuine, The list of affiliated sports association is filed herewith as ANNEXURE-R4-2.

6. All the relevant documents submitted by the applicant are genuine

and letter regarding the verification of certificate was handed over to the applicant vide letter dated 20.03.2017 is annexed herewith as ANNEXURE-R4-3. "

6. In view of these aforesaid submission, it is clear that the certificate submitted by the applicant as regards his participation in Sports event is legal and valid and, therefore, the applicant should have been considered for appointment. In the minutes of meeting, however, the applicant's claim has been wrongly rejected. Perusal of the minutes of meeting it also shows that the respondent nos. 2 and 3 are making contradictory statements as regards validity of the certificate.

7. The Id. counsel for the applicant submits that since the respondent no. 5 has been wrongly appointed, the applicant should get the benefits from the date of which the respondent no.5 was appointed. The applicant is therefore, claiming deemed date of appointment. The Id. counsel for the applicant has placed reliance on the Judgment reported in the case of **Nilkanth Ashok Patil Vs. State of Maharashtra 2015 (6) BCR 287 : 2016 (2) Mh.LJ 894.** He also placed reliance in the

case of **Subhash Chander Vs. State of Haryana, (P&H)(DB) : Law Finder Doc Id # 122915 2006(3) S.C.T.497**

8. In both the above matters, the petitioner was held entitled to grant of deemed date of appointment but not for arrears of the salary. We are satisfied that the Respondent nos. 2 and 3 ought to have considered the applicant's claim in proper perspective and he should have been appointed on the vacant post due to non-joining of the selected candidate and in that case instead of respondent no. 5, the applicant should have been appointed. We therefore, feel it proper to grant deemed date of selection to the applicant from the date on which Shri Chandrashekar Kendre was appointed on the post.

9. However, the applicant is not entitled to get any arrears of the salary. The applicant will get the Deemed date i.e. on the date of Shri Kendre was appointed. The appointment of Shri Chandrakant Kendre is subject to outcome of this O.A. as observed vide order dated 29/09/2018 and hence Respondents to take necessary steps to issue appointment order in applicants favor within two months from the date of order.

10. No order as to costs.

Member(A)

Vice-Chairman(J)

Date:-30/10/2018.

aps.

O.A. No.792/2017 (S.B.)

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

Dated : 30.10.2018.

CA No.528/17

Shri S.S. Shingane, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. At the request of Ld. PO adjourned for two weeks for filing reply by way of last chance.

Member

(J)

(sgj)

O.A. No.770/2017 (S.B.)

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

Dated : 30.10.2018.

Shri S.U. Ghude, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. Reply filed by the respondents is taken on record.
3. Admit. To come up for final hearing after four weeks.
4. Ld. PO waives notice for the respondents.

Member

(J)

(sgj)

O.A. No.966/2017 (S.B.)

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

Dated : 30.10.2018.

Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. At the request of Ld. PO adjourned for three weeks for filing reply by way of last chance.

Member

(J)

(sgj)

Os.A. No.160 & 161/2018 (S.B.)

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

Dated : 30.10.2018.

Shri A.Y. Kapgade, the Ld. counsel for the applicant and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. At the request of Ld. PO adjourned for three weeks for filing reply.

Member

(J)

(sgj)

O.A. No.162/2018 (S.B.)

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

Dated : 30.10.2018.

Shri V.B. Bhise, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. At the request of Ld. PO adjourned for three weeks for filing reply.

Member

(J)

(sgj)

O.A. No.171/2018 (S.B.)

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

Dated : 30.10.2018.

Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. Adjourned for three weeks for filing affidavit of service.

Member

(J)

(sgj)

O.A. No.251/2018 (S.B.)

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

Dated : 30.10.2018.

Shri P.D. Sharma, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. Hamdast not collected by the Ld. counsel for the applicant.
3. Adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.372/2018 (S.B.)

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

Dated : 30.10.2018.

CA No.289/18 & CA.302/18

Shri C.A. Joshi, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. At the request of Ld. PO adjourned for two weeks for filing reply.

Member

(J)

(sgj)

O.A. No.457/2017 (S.B.)

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

Dated : 30.10.2018.

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

2. PO files reply on behalf of respondent no.5 and the same is taken on record.
3. At the request of Ld. Advocate for the applicant adjourned for three weeks for filing rejoinder.

Member

(J)

(sgj)

O.A. No.629/2018 (S.B.)

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

Dated : 30.10.2018.

Shri S.D. Malke, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the Applicant, adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.688/2018 (S.B.)

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

Dated : 30.10.2018.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the Applicant, adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.689/2018 (S.B.)

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

Dated : 30.10.2018.

Shri G.G. Bade, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

2. At the request of Ld. PO, adjourned for four weeks for filing reply.

Member

(J)

(sgj)

O.A. No.702/2018 (S.B.)

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

Dated : 30.10.2018.

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

2. At the request of Ld. PO, adjourned for three weeks for filing reply.

Member

(J)

(sgj)

O.A. No.765/2018 (S.B.)

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

Dated : 30.10.2018.

Shri D.T. Shinde, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

2. At the request of Ld. PO, adjourned for three weeks for filing reply.

Member

(J)

(sgj)

O.A. No.627/2018 (S.B.)

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

Dated : 30.10.2018.

Shri Vishal Anand, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

2. At the request of Ld. PO, adjourned for three weeks for filing reply by way of last chance.

Member

(J)

(sgj)

O.A. No.853/2018 (S.B.)

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

Dated : 30.10.2018.

CA No.341/18

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicants and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. The applicants are claiming same relief on the basis of directions issued by the Govt.

Therefore, applicant are permitted to prosecute their claim in one application.

3. CA is allowed.

Member

(J)

(sgj)

O.A. No.853/2018 (S.B.)

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

Dated : 30.10.2018.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicants and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. Issue notice returnable on four weeks.

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. four weeks.**

Member

(J)

(sgj)

O.A. No.386/2018 (S.B.)

Coram : Hon. Shri A.D.Karanjkar,

Member (J)

Dated : 30.10.2018.

Heard Shri R.V. Shiralkar, the Ld. counsel for the Applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. Admit. To come up for final hearing after weeks. Interim relief to continue.

3. Ld. PO waives notice for the respondents.

Member

(J)

(sgj)

O.A. No.423/2018 (S.B.)

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

Dated : 30.10.2018.

Heard Shri R.V. Shiralkar, the Ld. counsel for the Applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. Admit. To come up for final hearing after weeks. Interim relief to continue.
3. Ld. PO waives notice for the respondents.

Member

(J)

(sgj)

O.A. No.750/2015 (S.B.)

Coram : Hon. Shri A.D.Karanjkar,

Member (J)

Dated : 30.10.2018.

Heard Shri Bharat Kulkarni, the Ld. counsel for the Applicant and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. Adjourned to 2.11.2018.

Member

(J)

(sgj)

O.A. No.426/2016 (S.B.)

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

Dated : 30.10.2018.

None for the Applicant and Shri P.N.
Warjurkar, the Ld. P.O. for the respondents.

2. Adjourned for four weeks.

Member

(J)

(sgj)

O.A. No.793/2016 (S.B.)

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

Dated : 30.10.2018.

Shri Bhusari, Ld. Advocate holding for Shri R.V. Shiralkar, the Ld. counsel for the Applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned for two weeks.

Member

(J)

(sgj)

O.A. No.466/2017 (S.B.)

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

Dated : 30.10.2018.

Heard Shri G.G. Bade, the Ld. counsel for the Applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

2. Ld. Advocate for the applicant files rejoinder and the same is taken on record.
3. Adjourned to 31.10.2018.

Member

(J)

(sgj)

O.A. No.527/2017 (S.B.)

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

Dated : 30.10.2018.

None for the Applicant and Shri P.N.
Warjurkar, the Ld. P.O. for the respondents.

2. Adjourned to three weeks.

Member

(J)

(sgj)

O.A. No.720/2017 (S.B.)

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

Dated : 30.10.2018.

Heard Shri V.R. Choudhari, the Ld. counsel for the Applicant and Shri A.M. Khadatkhar, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned for four weeks.

Member

(J)

(sgj)

O.A. No.758/2017 (S.B.)

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

Dated : 30.10.2018.

Heard Shri S.C. Deshmukh, the Ld. counsel for the Applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.769/2017 (S.B.)

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

Dated : 30.10.2018.

Heard Shri S.U. Ghude, the Ld. counsel for the Applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.243/2018 (S.B.)

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

Dated : 30.10.2018.

Heard Shri D.M. Kakani, the Ld. counsel for the Applicant and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. Part heard. Adjourned after vacation.
3. Ld. Advocate for the applicant submits that he would produce before the Tribunal necessary information as to how many Lecturer/Assistant Professor of Surgery are appointed in Govt. Medical College, Jalgaon.
4. Ld. PO is directed to collect this information from Medical College, Jalgaon.
5. Steno copy granted.

Member

(J)

(sgj)

O.A. No.613/2018 (S.B.)

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

Dated : 30.10.2018.

Heard Shri S.A. Kalbande, the Ld. counsel for the Applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

2. Ld. Advocate for the applicant submits that his client has collected the brief and he has acknowledgment of the client. Ld. Advocate for the applicant is directed to place on record the acknowledgment of the client about receipt of the brief.

3. Adjourned for four weeks.

Member

(J)

(sgj)

O.A. No.252/2018 (S.B.)

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

Dated : 30.10.2018.

Heard Ms. Smita S. Dashputre, the Ld. counsel for the Applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. Ld. Advocate for the applicant submits that she would produce GR issued in the year 2017 to draw light on the situation whether name of the applicant can be substituted by other legal representative of the deceased.

3. S.O. to 31.10.2018.

Member

(J)

(sgj)

Os.A. No.436 & 437/2018 (S.B.)

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

Dated : 30.10.2018.

Heard Shri S.N. Gaikwad, the Ld. counsel for the Applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. Part heard. Adjourned after Diwali Vacation.

Member

(J)

(sgj)

O.A. No.94/2016 (S.B.)

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

Dated : 30.10.2018.

Heard Shri A.S. Chakotkar, the Ld. counsel for the Applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned for four weeks.

Member

(J)

(sgj)

O.A. No.592/2017 (S.B.)

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

Dated : 30.10.2018.

Shri S. Borkute, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. Adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.664/2017 (S.B.)

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

Dated : 30.10.2018.

Shri R.V. Shiralkar, the Ld. counsel for
the applicant and Shri M.I. Khan, the Ld. P.O.
for the respondents.

2. Adjourned for three weeks.

Member

(J)

(sgj)

O.A. No.691/2018 (S.B.)

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

Dated : 30.10.2018.

Shri A.S. Tiwari, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. Affidavit in service of Respondents no.2 to 4 is to be filed.
3. Adjourned for four weeks.

Member

(J)

(sgj)

O.A. No.102/2015 (S.B.)

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

Dated : 30.10.2018.

Shri G. Iyer, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

2. In this case the applicant is challenging the order passed by the respondent no.2 by which he directed to recover an amount of Rs.2,84,380/- from the applicant. The parties have argued this matter and both parties have placed reliance on the GRs dated 10.9.1996 and 29.7.2011. On perusal of the GR it seems that these GRs

were specifically issued to curb the tendency of the Govt. servants who are retired, died or transferred from Greater Mumbai. After looking to the preamble of the GR and the resolution it is apparent that it was the intention of the Maharashtra Government to apply the said GR only to the Govt. quarters situated within the limits of Greater Mumbai. In present matter the penalty is imposed as the applicant was residing in Govt. quarter situated at Nagpur.

3. In this regard I would like to hear the Ld. Counsel for the Applicant and the Ld. PO on the point whether any other GR is made applicable to the Govt. quarter situated outside Greater Mumbai.

4. The matter be listed for hearing after two weeks.

Member

(J)

(sgj)