

O.A. No.110/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

C.A.No.234/2017.

Shri A.B. Dhulaj, the applicant is present in person and Shri H.K. Pande, the learned P.O. for respondents 1 to 3. None for R.4 & 5.

S.O. 3rd May 2017.

Vice-Chairman(J)

pdg..

O.A. No.160/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Heard Shri S.D. Kotkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

2. The Ld. P.O. seeks time to file reply affidavit. In C.A. No. 236/2017, the learned counsel for the applicant submits that he may be permitted to delete prayer clause (b) and he is insisting for prayer clause (c) whereby he is asking for permission to initiate contempt proceedings for willful disobedience of the order dated 27.3.2017 in O.A. No. 160/2017. Permission to initiate contempt proceedings cannot be granted unless the respondents are heard in the matter.

3. Hence issue notice in the proceedings returnable **after vacation.**

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

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

Vice-Chairman(J)

O.A. No.184/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Heard Shri Satyendra Singh, the learned counsel for the applicant and Smnt. S.V. Kolhe, the learned P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R.3. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The Ld. P.O. submits that the documents claimed vide letter dated 17.2.2015 as per Annexure A-19 (Page 85) have already been supplied to the applicant. She has filed communication dated 19th July 2016, a copy of which is marked "X" for identification in which this fact is stated. However, it is stated that the other documents are not necessary. The Ld. P.O. submits that the applicant is asking for statements of some witnesses in the preliminary enquiry and the respondents are not relying on those documents. However, when the statements are recorded during

the course of enquiry and if the witnesses are being examined, such statement may be relevant. Ld. P.O. seeks time to take instructions in this regard. Hence, S.O. **after vacation.**

Vice-Chairman(J)

pdg..

O.A. No.797/2014.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

**C.A. Nos.527/2015 and 497/2016 in
R.A.(St.)No. 1787/2015.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 and 2. Shri A.M. Kukday, Ld. counsel for respondent Nos. 3 and 4.

2. With the consent of parties, matter is heard and is being disposed of by this order.

3. The applicant is claiming condonation of delay of three months in filing review application. The Ld. P.O. submits that even a day's delay cannot be condoned in the case of review. He placed reliance on the judgment delivered by this Tribunal in **C.A. Nos. 440/2015 and 71/2016 in R.A.(St.) No.1755/2015 in O.A. No.542/2014 in the case of Dean, G.M.C.H., Nagpur V/s Ritesh Trivedi and three others.** So also the judgment in O.A.No. 797/2014 decided by this Tribunal which has been held consistently that there is no provision to condone the delay in review petition by this

Tribunal, as this Tribunal has no powers to condone the delay. In view thereof, C.A. No. 527/2015 stands dismissed. Consequently, R.A.(St.)No. 1787/2015 stands rejected. Application for amendment No. 497/2016 stands disposed of accordingly.

Vice-Chairman(J)

pdg..

O.A. Nos.234/2016 and 301/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

C.A. Nos.227/2017 and 228/2017.

Heard Shri G.G. Bade, the learned counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicants are coming with the cases that their juniors have been promoted and that their cases shall be kept before the D.P.C. for proper appreciation and if they are eligible for promotion, the D.P.C. shall promote them. For example, in O.A. No. 301/2016, it is stated that one of the applicants Sheikh Irfan Chand and A.B. Maheshkar are at Sr. Nos. 1962 and 1965 respectively in the seniority list as on 2.1.2016 for the post of Civil Engineering Assistant. However, the juniors like Ajit Nimbalkar is at Sr. No.1972, Siddharth Pandit is at Sr. No.1977 and Swarup Prakash Pimple is at Sr. No.1985 and they were promoted to the post of Jr. Engineer.

3. The learned counsel for the applicants submits that all the O.As can be

disposed of with directions to the respondents and, therefore, the O.A.s are filed. The Ld. P.O. also admits that the applications can be disposed of by giving directions to the respondents. The learned counsel for the applicants has undertaken to give a detailed chart of the applicants who are not being considered and the names of some juniors. Hence, at his request, S.O. 3rd May 2017.

4. Put up these O.As alongwith connected O.A. Nos. 234/2016 to 663/2016 (7 O.As).

Vice-Chairman(J)

pdg..

O.A. No.737/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Heard Shri M.R. Rajgure, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R. 1 to 3. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. **after summer vacation** for filing rejoinder, if necessary.

Vice-Chairman(J)

pdg..

O.A. No.644/2015.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Heard Shri A.B. Bambal, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. None for R. 3 to 7.

The Ld. P.O. has filed reply affidavit on behalf of R. 2. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The learned counsel for the applicant wants to file rejoinder.

S.O. **after summer vacation** for filing rejoinder.

Vice-Chairman(J)

pdg..

O.A. No.661/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Heard Shri G.K. Bhusari, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. Shri S.C. Deshmukh, Adv. for R.3.

S.O. **after summer vacation** for filing reply of R.3.

Vice-Chairman(J)

pdg..

O.A. No.831/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Heard Shri B. Rao Shende, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 3. None for R.4.

The Ld. P.O. has filed reply affidavit on behalf of the respondents. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. **after summer vacation** for filing rejoinder.

Vice-Chairman(J)

pdg..

O.A. No.695/2015.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

None for the applicant. Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

. The applicant. shall file service affidavit in respect of respondent No.3.

S.O. after summer vacation.

Vice-Chairman(J)

pdg..

O.A. No.253/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

None for the applicant. Smt.S.V..
Kolhe, the learned P.O. for the respondents
Nos. 1 to 3 None for R. 4 & 5.

The applicant. shall file service
affidavit in respect of respondent Nos.4 & 5.

S.O. **after summer vacation.**

Vice-Chairman(J)

pdg..

O.A. No.606/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

None for the applicant. Shri A.P. Potnis, the learned P.O. for the respondents.

The applicant to file service affidavit in respect of respondent Nos.2 & 3.

At the request of the Ld. P.O, S.O. **after summer vacation** for filing reply of respondent No.1.

Vice-Chairman(J)

pdg..

O.A. No.532/2015.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

C.A. 115/2017.

Shri S.P. Kshirsagar, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 and 2. Shri Vinay Dahat, Adv. for R.3.

With the consent of parties, C.A. for amendment as well as O.A. be kept for final hearing tomorrow.

S.O. 3rd May 2017.

Vice-Chairman(J)

pdg..

O.A. No.812/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

C.A. 289/2016.

Shri S.D. Chande, learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of Id. counsel for the applicant, S.O. **after summer vacation.**

Vice-Chairman(J)

pdg..

O.A. No.123/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Shri D.S. Sawarkar, learned counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. counsel for the applicant does not want to file rejoinder.

Since pleadings are complete, O.A. is admitted and placed after summer vacation before the regular D.B. whenever available.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents.

Vice-Chairman(J)

pdg..

O.A. No.800/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

C.A. 224/2017 in C.P.(St.)No.644/2014.

Heard Shri Sandeep Tatke, Adv. holding for Shri V.B. Bhise, learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

This application was for permission to initiate contempt proceedings for non compliance of the order dated 22.12.2016 whereby direction was given to the respondents to decide the representation of the applicant before 28.2.2017.

The Ld. P.O. has placed on record the communications dated 27.4.2017 and 16.2.2017 which are marked "X" and "X-1" for identification, from which it seems that the representation of the applicant for transfer has been rejected by the competent authority for the reasons stated therein. It seems from the communication dated 16.2.2017 that the representation of the applicant was rejected and the said fact has been intimated to the learned P.O. vide letter dated 27.4.2017. In any case, if the

applicant is aggrieved by the communication dated 16.2.2017, he will be at liberty to challenge the same by filing a separate O.A. in such circumstances, there is no need to grant permission to initiate contempt proceedings. Hence, the C.A. and the C.P. (St.) stand rejected.

Vice-Chairman(J)

pdg..

O.A. No. 31/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

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

S.O. **after summer vacation** for filing reply on behalf of R.3.

Vice-Chairman(J)

pdg..

O.A. No. 32/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Shri S.P. Palshikar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R.4 to 6.

The learned counsel for the applicant submits that the applicant does not want to file rejoinder.

With the consent of parties, matter is kept for final hearing on **7th June 2017** at the stage of admission itself.

Vice-Chairman(J)

pdg..

O.A. No. 51/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Shri Ashok Raghute, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned P.O. seeks time to file reply and submits that he has already received parawise comments.

S.O. 7th June 2017.

Vice-Chairman(J)

pdg..

O.A. No. 616/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 2nd May 2017.

Herard Shri M.R. Rajgure, the learned counsel for the applicant and Shri A.M.Khadatkar, the learned P.O. for the respondents 1 to 3. Shri S.W Deshpande, Adv. for R.4.

In the O.A., the applicant has claimed relief for quashing and setting aside the departmental enquiry initiated on 30.5.2015 and also directions to the respondents to pay him gratuity, GIS, all terminal benefits alongwith interest etc. Respondent No.4, instead of filing an affidavit in reply has placed on record some e-mail communication received from R.4 which are marked "X", "X-1" and "X-2" for identification. In the communication Exh.3, it is mentioned that no departmental enquiry is pending or proposed. However, according to the applicant, the departmental enquiry was initiated. There is a statement to the effect that all the bills have been submitted to the Accountant General-II (M.S.), Nagpur for sanction. But the said statement is also

vague. Respondent No.4 is directed to file a short affidavit giving all details.

S.O. **after summer vacation** for filing a short affidavit of R.4.

Vice-Chairman(J)

pdg..

O.A.223/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

MCA Nos.82& 83 of 2016 –

Shri J.R. Kidilay, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. After Summer Vacation.**

Vice Chairman (J)

dnk.

O.A.St.2213/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

C.A.537/2017 –

Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of learned CPO, **S.O.**
After Summer Vacation for filing reply in
C.A.

Vice Chairman (J)

dnk.

O.A.151/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Shri A.J. Dhoble, Id. counsel holding for Shri R.S. Parsodkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for respondent no.1. Await service of R-2 to 5.

The learned counsel for the applicant submits that he will collect the hamdast today itself. At his request, **S.O. After Summer Vacation.**

Vice Chairman (J)

dnk.

O.A.591/2015

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Shri D.B. Walthare, 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. After Summer Vacation** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A.591/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

None for the applicant. Smt. M.A. Barabde, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of respondent nos. 1 to 3. It is taken on record.

S.O. After Summer Vacation for filing rejoinder, if any.

Vice Chairman (J)

dnk.

O.A.826/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

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

At the request of P.O., **S.O. After
Summer Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A.94/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served to the Id. counsel for the applicant. The learned counsel for the applicant seeks time to file rejoinder. At his request, **S.O.**
After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.136/ 2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

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

The learned P.O. files reply on behalf of R-2&3. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. After Summer Vacation for filing rejoinder, if any.

Vice Chairman (J)

dnk.

O.A.157/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. After Summer Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A.199/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

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

At the request of Id. CPO, **S.O. After Summer Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A.163/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

None for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-3. It is taken on record. Id. P.O. submits that the reply of other respondents is not necessary.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.176/2010 with C.A.114/17

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

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

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.653/2009

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 02.05.2017.

Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.617/2013

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondent nos. 1 to 3. None for R-4.

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

Vice Chairman (J)

dnk.

O.A.656/2014

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Shri Nalin Majithia, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.770/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

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

At the request of Id. P.O., **S.O.**
6/6/2017.

Vice Chairman (J)

dnk.

O.A.134/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Shri A.S. Siddiqui, Id. counsel holding for Shri A.B. Mirza, Id. counsel for the

applicant and Smt. S.V. Kolhe, Id. P.O. for R-1&2. None for R-3&4.

The learned P.O. files some documents regarding medical fitness of the applicant. The copies of the documents are placed on record and marked "Exh-X" for the purpose of identification. The copies of the same are also supplied to the learned counsel for the applicant.

The learned counsel for the applicant submits that the matter may be placed for final hearing on the next date as his senior Advocate wants to argue the matter. At the request of learned counsel for the applicant, **S.O. 12/06/2017.**

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

Vice Chairman (J)

dnk.

O.A.252/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 02.05.2017.

Heard Shri R.S. Sundaram, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has challenged the suspension order dated 19/04/2017 (Annex-A, P.20) on the ground that it is not in compliance with the Rule 4 of the Maharashtra Civil Services (Conduct) Rules, 1979. It is also stated that the applicant has been victimized on account of earlier litigation filed by the applicant against the respondent. The learned counsel for the applicant has placed reliance on the judgments reported in **2015 (4) Mh.L.J.,791** in the case of **State of Maharashtra Vs. Dr. Subhash D. Mane** and in **(2013) 16 SCC,147** in the case of **Union of India and Ano. Vs. Ashok Kumar Aggarwal** and submits that the action of the suspension should not be used for malafide purpose and for ulterior motive. Since the suspension is with malafide intention, the learned counsel for the applicant is claiming stay to the order of suspension or status-quo. In my opinion unless and until the respondents is heard on merits, it will not be a proper to grant interim relief as prayed by the learned counsel for the applicant. The learned CPO seeks time to file reply affidavit.

3. Hence, Issue notice to R-2 & 3, returnable on **07-06-2017**. Learned C.P.O. waives notice for R-1.

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

5. 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.

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. Applicant is directed to

8. **S.O. 07/06/2017** for return of notice and filing reply.

Vice Chairman (J)

dnk.

