

O.A. (St.) No. 2706/2017 (S.B.)

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

Dated : 17th April 2018.

C.A. 48/2018.

Heard Shri D.B. Walthare, Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

Application for permission to file documents is allowed in the interest of justice.

The Ld. counsel for the applicant submits that he has received copy of reply for condonation of delay today itself. Hence, at his request, S.O. **20.4.2018.**

Vice-Chairman(J)

O.A. No. 915/2017 (S.B.)

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

Dated : 17th April 2018.

C.A. No.95/2018.

Heard Shri A.D. Girdekar, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 to 4. Shri V.J. Dongre, Ld. Adv. for R.5.

The applicant wants to place on record the document dated 16.10.2017. In fact, the said document should have been filed alongwith the O.A. itself. However, in the interest of justice, he is allowed to file documents on record. There is no need to amend the O.A. C.A. stands disposed of.

Matter is heard on merits at the stage of admission and closed for orders.

Vice-Chairman(J)

O.A. No. 414/2016 (S.B.)

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

Dated : 17th April 2018.

Heard Mrs. B.M. Kesare, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 to 3. Shri P.S. Dhenge, Adv. for R.5.

The Ld. counsel for the applicant submits that the document which she wanted to place on record i.e. the advertisement, has already been placed on record by the Ld. P.O. and, therefore, there is no need to file amendment application. In view of this, the matter will be heard on merits after summer vacation.

S.O. after summer vacation.

Vice-Chairman(J)

O.A. No. 82/2017 (S.B.)

**(Dr. V.G. Kathale & 4 others V/s State
and 3 others.)**

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

Dated : 17th April 2018.

Oral order

With consent of parties,
matter is heard at admission stage

1. Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondent Nos. 1 and 2. Shri T.M. Zaheer, Adv. for R.3 and 4.

2. The applicants in this O.A. are claiming directions to the respondent authorities to fix their basic pay as per the judgment passed by this Tribunal in O.A. No.153/2010, wherein similarly situated Medical Officers were

granted basic pay scale of Rs. 8,000-13500 in the Fifth Pay Commission and the pay scale of Rs. 9,300-34800 plus grade pay of Rs. 5,400/- as per the Sixth Pay Commission and also arrears of difference of salary under Assured Progressive Scheme as per the G.R. dated 20.7.2001. All the applicants have been absorbed as Medical Officers in the service of the respondents as per G.R. dated 17.10.2014. The name of applicant No.1 is at Sr. No.832, the name of applicant No.2 is at Sr. No. 795, the name of applicant No.3 is at Sr. No.818 whereas the name of applicant No.4 is at Sr. No.796 and the name of applicant No.5 is at Sr.No.847. In all 824 Medical Officers were absorbed.

3. The Ld. counsel for the applicants has placed reliance on the judgment delivered by this Tribunal of

Nagpur Bench in O.A. Nos. 153, 216 and 225 of 2010 delivered on 6.1.2017 and the judgments in O.A. Nos. 108, 176, 197 and 108 of 2016 delivered on 13.12.2016. In all these O.As., similar issue has been considered by this Tribunal and in para No.7, it has been observed as under:-

“Having regard to the aforesaid facts and circumstances of the case, Medical Officers who were recruited in the District Technical Service, Class-III, and whose names figure in the list of 869 Medical Officers as Group-B Medical Officers in terms of G.R. dated 17.10.2014, are eligible to get pay in the scale of Rs. 8000-13500 in the 5th Pay Commission. They are also entitled to get pay in the pay band of Rs. 9,300-34800 plus grade pay

of Rs. 5,400/- in the 6th Pay Commission. The present applicants are also entitled to the above pay scale / pay band, if their names figured in the list of Medical Officers, Group-C working in Zilla Parishads, who were absorbed in Group-B posts by G.R. dated 17.10.2014. These O.As are accordingly disposed of with no order as to costs.”

4. The learned P.O. submits that, though the case of the applicants are covered by this judgment, the similar judgment delivered by the Principal Bench of this Tribunal at Mumbai, has been challenged by the State before the Hon'ble High Court. But the writ petition is pending. The learned counsel for the applicants submits that the said writ petition is pending for more than

one year and till today no stay has been granted in that petition. In view thereof, it seems that cases of the applicants are covered by the judgment delivered by this Tribunal as already stated. If any adverse order is passed by the High Court, the respondent authorities will be at liberty to take action accordingly against the present applicants also. It is stated that number of Medical Officers are already getting the pay scale in the scale of Rs. 9,300-34800 plus grade pay of Rs. 5,400/-. The learned counsel for the applicants submits that there is no need to file any rejoinder. In view thereof, I proceed to pass the following order:-

ORDER

- (i) The O.A. is allowed in terms of prayer clause 9(i) of the O.A.
- (ii) No order as to costs.

Vice-Chairman(J)

pdg.

O.A. No. 571/2017 (S.B.)

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

Dated : 17th April 2018.

Shri N.R. Saboo, Ld. counsel for the applicant and Shri the learned P.O. for the respondent Nos. 1 and 2. Mrs.P.P. Choube, Adv. for R.3.

With consent, matter will be taken for hearing at the stage of admission on **20.4.2018**

Vice-Chairman(J)

pdg.

O.A. No. 838/2017 (S.B.)

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

Dated : 17th April 2018.

Heard Shri S.K. Tambde, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant, a Circle Inspector has filed this application whereby he has claimed that the respondent No.2 i.e. the Collector, Yavatmal has no right to file Review Petition before the Hon'ble Revenue Minister against the order dated 12.10.2017 (Annexure A-5). It seems that the applicant was kept under suspension by the Collector, Yavatmal on 23.11.2016 and this suspension was challenged by the applicant before the Hon'ble Revenue Minister. Vide order dated 31.3.2017, the Hon'ble Revenue Minister was pleased to set aside the order of

suspension and the Collector, Yavatmal was directed to reinstate the applicant with immediate effect. However, instead of reinstating the applicant, the Collector, Yavatmal has filed Review Petition before the Hon'ble Revenue Minister. According to the applicant, the Collector has no right and authority to file such Review Petition.

3. It is material to note that, the Hon'ble Revenue Minister is not made party in this O.A. If the applicant is aggrieved by Review Petition, he will get an opportunity to contest the Review Petition by the Hon'ble Revenue Minister. In such circumstances, application seems to be premature, as nothing has been done by the Hon'ble Revenue Minister till today. The Ld. counsel for the applicant submits that he may be permitted to withdraw the O.A. with permission to file representation before the Hon'ble Revenue Minister, taking objection to the Review Petition filed by the Collector, Yavatmal on 12.5.2017 and requested that if such representation is filed, same shall be

decided by the Hon'ble Revenue Minister within a stipulated period.

4. In view thereof, I pass the following the order:-

ORDER

- (i) The O.A. stands disposed of as withdrawn.
- (ii) The applicant is allowed to file representation before the Hon'ble Revenue Minister against the Review Petition filed by respondent No.2 i.e. the Collector, Yavatmal on 12.5.2017.
- (iii) The applicant submits that he will file Review Petition within two weeks. If such Review Petition is filed, it is expected that the Hon'ble Revenue Minister will decide the same within a further period of one month from the date of receipt of Review Petition.
- (iv) No order as to costs.

Vice-Chairman(J)

pdg.

O.A. No. 196/2018 (S.B.)

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

Dated : 17th April 2018.

Heard Shri G.K. Bhusari, Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2. Shri R.S. Khobragade, Adv. for R.3 and 4.

S.O. **three weeks.**

Vice-Chairman(J)

pdg.

O.A. No. 198/2018 (S.B.)

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

Dated : 17th April 2018.

Heard Shri S.A. Sahu, Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **three weeks.**

Vice-Chairman(J)

pdg.

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

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

Dated : 17th April 2018.

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The Ld. counsel for the applicant submits that he is pressing for interim relief.

3. Issue notices to respondent Nos. 2 and 3 returnable within **four weeks.**

4. Shri S.A. Deo, Ld. CPO waives notice for 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.

9. S.O. **four weeks.**

Vice-Chairman(J)

O.A. No. 86/2015 (S.B.)

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

Dated : 17th April 2018.

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

The Ld. counsel for the applicant submits that each and every date in this matter has been intimated to the applicant. But the applicant is not responding. He further states that the papers are also taken away by the applicant and that the applicant has earlier avoided to hear on the ground that he wants to file Transfer Application before the Principal Bench of this Tribunal at Mumbai. Therefore, it seems that the applicant may not be interested in prosecuting this O.A. In view thereof, the O.A. stands dismissed with no order as to costs.

Vice-Chairman(J)

O.A. No. 52/2015 (S.B.)

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

Dated : 17th April 2018.

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

S.O. **25.4.2018** alongwith connected O.A.No.55/2015.

Vice-Chairman(J)

pdg.

O.A. No. 165/2018 (S.B.)

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

Dated : 17th April 2018.

Heard Shri S.N. Gaikwad, Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 and 2. None for R.3.

The Ld. counsel for the applicant submits that the applicant is joining at Hinganghat in Wardha District.

Vide order dated 31.5.2017, the applicant was transferred from Balapur (Akola) to Hinganghat in Wardha District. Vide impugned order dated 14.2.2018, he has been again transferred from Hinganghat in Wardha District to Nagar Parishad, Gondia and this order was challenged by the applicant in this O.A. Today, the Ld. counsel for the applicant submits that the applicant did not join the post, as interim order was passed by this

Tribunal. But now he intends to join at Gondia and, therefore, he wants to withdraw the O.A. The applicant has also filed a pursis to that effect signed by the applicant on 16.4.2018 and seeks permission to withdraw the O.A. In view thereof, following order is passed:-

ORDER

The O.A. stands disposed of as withdrawn with no order as to costs.

Vice-Chairman(J)

O.A. 565/2015 (D.B.)

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

Dated : 17/04/2018

MCA 51/2017 in CA 512/16

Shri Santosh Bhatkhore, Id. counsel holding for Shri S.D. Chande, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 429/2017 (D.B.)

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

Dated : 17/04/2018

Shri Santosh Bhatkhore, Id. counsel holding for Shri S.D. Chande, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 78/2017 (D.B.)

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

Dated : 17/04/2018

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondent nos.1&2. Await service of R-3.

At the request of Id. P.O.,**S.O. After Vacation** for filing reply of R-1&2.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 844/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 17/04/2018

Shri P.P. Khaparde, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 5.

2. The learned counsel for the applicants submits that he will file service affidavit of R-2 to 5 within two weeks.

3. The Id. CPO submits that the application is not maintainable and therefore the application be kept for argument on the point of maintainability as well as for service affidavit.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 21/18 in O.A. 185/2016 (D.B.)

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

Dated : 17/04/2018

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 4.

2. This is an application for taking action for not complying directions in view of the order passed by this Tribunal in O.A.185/2016 on 27/06/2017 whereby the respondents were directed to repay the amount recovered from the applicant within two months. The respondents were also directed to consider the case of the applicant for second time bound promotion.

3. The learned P.O. has placed on record communication dated 1/3/2018 which is marked Exh-X for the purposes of identification, from the said order it seems that the applicant has been granted second time bound promotion. The grievance of the applicant is therefore redressed and therefore the Contempt Petition no.21/2018 stands disposed of accordingly. No order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 687/2015 (D.B.)

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

Dated : 17/04/2018

C.A.91/2018 -

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

It appears that yesterday only the circulation was granted at the request of learned counsel for the applicant. Since nobody appeared for the applicant, the matter be kept **After Vacation.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 186/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 17/04/2018

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1. Await
service of R-2 to 6.

S.O. After Vacation.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 261/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 17/04/2018

Heard Shri P.J. Mehta, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri B.D. Pandit, Id. counsel for R-4.

As per the direction given by this Tribunal vide order dated 20/07/2017, the learned P.O. has filed on record the copy of application form of respondent no.4 which is marked Exh-X for the purposes of identification. The learned P.O. submits that he wants to produce original record.

Since the pleadings are complete, the matter is admitted and be kept for final hearing. The learned P.O. may produce necessary record at the time of final hearing.

The learned P.O. as well as Id. counsel for R-4 waives respective notices.

S.O. 1st week of June,2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 334/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 17/04/2018

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

2. The learned counsel for the applicant seeks time to file rejoinder.

3. Since the pleadings are complete, the matter is admitted and kept for final hearing. The applicant is at liberty to file rejoinder. The copy of rejoinder be provided to the Id. P.O. well in advance.

4. The learned P.O. waives notice for the respondents.

S.O. After Vacation.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 430/2017 (D.B.)

Coram: J.D. Kulkarni,

**Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 17/04/2018

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the respondents.

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

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 579/2017 (D.B.)

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

Dated : 17/04/2018

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the
respondents.

At the request of learned P.O., **S.O.**
three weeks for filing reply.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 787/2017 (D.B.)

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

Dated : 17/04/2018

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

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 606/2015 (D.B.)

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

Dated : 17/04/2018

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

At the request of Id. counsel for the applicant, **S.O. 20/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 253/2016 (D.B.)

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

Dated : 17/04/2018

Smt. K.N. Saboo, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4&5.

The learned P.O. has filed affidavit of respondent no.3 in view of the order dated 22/01/2018. The said affidavit is taken on record and copy of the same is served on the applicant.

At the request of learned counsel for the applicant, **S.O. 27/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 272/2012 (D.B.)

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

Dated : 17/04/2018

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

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 614/2015 (D.B.)

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

Dated : 17/04/2018

Shri Khawja, Id. counsel holding for Shri S.M. Khan, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. Shri G.S. Sengar, Id. counsel for R-7. None for remaining respondents.

The learned P.O. files reply-affidavit to the amended O.A. It is taken on record. Copy is served on the applicant.

Matter be kept on **20/04/2018**.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 600/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 17/04/2018

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

The learned P.O. files return on behalf of respondent no.3 It is taken on record. Copy is served on the applicant.

The learned counsel for the applicant submits that he will file copy of the Advertisement till the next date. At his request, **S.O. 20/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 695/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 17/04/2018

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4&5.

The learned P.O. wants to go through the rejoinder filed by the applicant and for that purpose he seeks time. At his request, **S.O. 25/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.