

O.A. No. 02/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 & 2. None for R.3 to 7.

2. The applicant has applied for the post of Dental Surgeon, Group-B under DT (A) category. It is stated that the applicant has secured more marks than the last candidate in Open (General) category and still he has not been considered on the ground that he has applied from DT (A) category and, therefore, cannot be considered for Open (General) category. In number of cases, we noticed that similar step has been taken by the MPSC inspite of number of judgments of the Hon'ble High Courts and the Hon'ble Supreme Court which makes

it crystal clear that reserved category candidates can compete from Open (General) category. We, therefore, direct the M.P.S.C. to ask the concerned person, who is Head of the Recruitment Process, who applies reservation procedure for recruitment to be present before this Tribunal so as to clear the point involved in the O.A. The Ld. P.O. is requested to take instructions as to who is the Head of the Recruitment Process in this matter and ask him to appear before this Tribunal on the next date.

Respondent No. 4 is served, since she has not claimed from DT (A) category. Notice be treated as served.

S.O. **two weeks.**

Steno copy be provided to the learned P.O.

Member(A)

Vice-Chairman(J)

O.A. No. 187/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

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

The Ld. P.O. submits that he has received instructions from respondent No.2 only and wants to file reply affidavit. The applicant to file service affidavit in respect of other respondents.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

O.A. No. 207/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

Heard Shri Ms. S.S. Dashputre,
the 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 respondent
Nos. 2 and 3 have been served. Only
R.4 is awaited.

Ld. P.O. also seeks time for
filing reply of R. 1 to 3.

S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

O.A. No. 296/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

Heard Shri A.P. Tathod, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **two weeks** for filing service affidavit.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 687/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

C.P. 40/2017.

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

2. The Ld. P.O. has filed reply affidavit of R.4, it is taken on record.

3. Order to be complied with in O.A. No. 687/2016 on 19.7.2017, which makes is crystal clear that the respondents were to pay regular pension and pensionery benefit to the applicant within three months from the date of order and if the amount is not paid within three months, the applicant will be entitled to claim interest on the delayed payment from the date of superannuation till he receives actual payment. Today, the Ld. P.O. has placed on record an

affidavit in reply of R.4 and submitted that the regular pension has been paid to the applicant on 31.1.2018. It is also stated that the proposal for payment of interest on the delayed payment has been forwarded to the competent authority and, therefore, the order is complied with.

4. Since nobody has appeared for the applicant today, matter be kept on 19th July 2018 for disposal.

S.O. **19th July 2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 76/2017

(D.B.)

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

Dated : 12th July 2018.

C.P. 05/2018.

Heard Miss A. Lanjewar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. As per order passed in O.A.No. 76/2017 on 2.8.2017, the respondent No.1 was directed to release regular pension as well as pensionary benefits to the applicant and also to take an appropriate decision on the proposed punishment on the basis of a show cause notice issued to the applicant on 21.7.2016. This was to be done within three months from the date of order and the amount was to be paid within two months from the date of order. Ld. P.O. has placed on record a copy of commutation of payment order, which is marked "X" for identification, from which it seems

that the regular pension has been released so also the pensionary benefits. Ld. P.O. submits that a decision on the punishment to be imposed as per the show cause notice has been taken and the applicant's absence period has been treated as duty period.

3. The Ld. counsel for the applicant has filed rejoinder affidavit and submitted that the applicant has not received interest on the delayed payment. The applicant will be at liberty to file a detailed representation as to for which amount the applicant will be entitled to claim interest and, therefore, the application can be disposed of with liberty to file such representation. In view thereof, C.P. stands disposed of with liberty to the applicant to file representation for interest on delayed payment as per rules. If such representation is filed, decision thereon shall be taken within three months from the date of receipt of representation.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 415/2015

(D.B.)

Coram:Shri J.D. Kulkarni,

**Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.**

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

The Ld. counsel for the applicant has placed on record a pursis which is marked "X" for identification and seeks permission to withdraw the O.A. It seems that the applicant had already joined the duty and has also retired from service and, therefore, he does not want to continue with the proceedings. Permission is granted to withdraw the O.A. Hence, the following order:-

ORDER

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

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 258/2016

(D.B.)

Coram:Shri J.D. Kulkarni,

**Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.**

None for the applicant. Shri H.K.Pande, the learned P.O. for the respondent Nos. 1 to 4. None for R.4.

The Ld. P.O. has filed reply of R. 1 and 2, it is taken on record.

S.O.**four weeks** for filing rejoinder, if any.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 647/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

Heard Shri M.R. Pillai, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

S.O. **one week** as a last chance.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 669/2016

(D.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

Shri Sunil Pande, Adv. Holding
for Shri B.M. Kharkate, the Ld.
counsel for the applicant and Shri M.I.
Khan, the learned P.O. for the
respondents 1 to 4. None for R. 5 & 6.

S.O. **one week** as a last
chance.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 271/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

Heard Shri Bharat Kulkarni, the
Ld. counsel for the applicant and Shri
M.I. Khan, the learned P.O. for the
respondents.

S.O. **three weeks** as a last
chance.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 915/2012

(D.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

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

The Ld. P.O. has placed on record unsigned copy of one letter dated 17.3.2016 whereby it is stated that the examination passed by the applicant is equivalent to the required qualification. Same is marked "X" for identification.

After hearing the parties, matter is closed for orders.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 65/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

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

S.O. **two weeks.**

To be treated as part heard.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 98/2016

(D.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.

C.A. 461/2017.

Heard Shri S.R.Charpe, the Ld. counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondents 1 to 4. None for R.5.

2. During the course of hearing, it has been brought to our notice that, out of 11 applicants, three have been allowed to appear for examination and the applicant No.4 and 10 have been selected and even appointed in the process. Rest of the 8 candidates were not even allowed to appear for the examination, inspite of specific order passed by this Tribunal to that effect on 10.2.2016. Ld. P.O. submits that by way of interim relief, the respondents were directed to permit the applicants to apply for the post of Multipurpose Health Worker in terms of advertisement dated 21.1.2016, without applying the condition of age

limit. It is admitted that, the applicants have applied accordingly. From the correspondence Annexure R.II, page No.64, it seems that 8 applicants mentioned in the said letter have applied through registered post and there cases were forwarded to the Joint Director of Health Services, Pune for guidelines. However, it is not known as to what guidelines have been issued in this regard. The Ld. counsel for the applicants has also invited our attention to the order passed by this Tribunal on 5.5.2017, wherein the point was raised by the Ld. counsel for the applicants. Application was amended and at that time, this Tribunal has observed that the recruitment process shall be subject to outcome of this O.A. In view thereof, the respondent No.4 is directed to file a short affidavit on the following points:-

- (i) What is the reason for not allowing the applicants Nos. 1 to 3, 5 to 8 and 11 to appear for the examination ?

(ii) Whether the guidelines have been issued by the competent authority in pursuance to the letter dated 15.2.2016 (R.2) ?

(iii) A short affidavit shall be filed within two weeks.

S.O. **two weeks.**

To be treated as part heard.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 710/2016

(D.B.)

Coram:Shri J.D. Kulkarni,

**Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.**

Heard Shri R.S. Kothari, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 to 5. Shri N.S. Autkar, Adv. for R.6.

The Ld. counsel for the R.6 appeared and submitted that his affidavit was prepared on 29.6.2018. But inadvertently, it was not filed and there was no intention on his part to avoid hearing. In the interest of justice, affidavit in reply on behalf of R.6 is taken on record. Its copy is served to both the parties.

Matter shall be taken tomorrow i.e. 13.7.2018 at the request of the Ld. counsel for the R.6.

S.O. **13.7.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 593/2017

(D.B.)

Coram:Shri J.D. Kulkarni,

**Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 12th July 2018.**

Heard Shri R.S. Kothari, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

2. The applicant has been appointed as Police Constable as per order dated 27th January 2009 on compassionate ground, since his father late Dipak Rahile was working as P.S.I., died in naxalate attack in Gadchiroli district on 20.1.2003. According to the applicant on 6.2.2009, a G.R. was issued by the Government in respect of giving some help and benefit to the family members of the police personnel who died or injured in naxalite attack. The applicant obtained a Bachelor of Art (B.A.) degree in 2012 in first class. As per para 6 of the Govt. Resolution dated 6.2.2009, the applicant is entitled to be considered for appointment on compassionate ground in Class-A or Class-B post in

Government service. The applicant has sent number of representations such as on 18.2.2014 and 15.3.2014. He was asked to supply documents as per communication dated 28.11.2014. But nothing has been done and, therefore, the applicant has filed this O.A.

3. By way of amendment, it is stated that one Mrs. Nilima Rangari was appointed on Class-I post on the basis of the G.R. dated 6.2.2009 and similar treatment should have been given to the applicant. The Ld. P.O., however, submits that the case of Mrs. Nilima Rangari is different, since her application has been received after issuance of the G.R. Whatever may be the case, there is no reason as to why representations of the applicant have not been decided. We are of the opinion that the application can be disposed of with directions to the respondents to consider the representation filed by the applicant within a stipulated period. Hence, we pass the following order:-

ORDER

- (i) O.A. stands disposed of with directions to the respondent No.1 to take a decision on the representations filed by the applicant on 21.2.2014 and 2.3.2015 within four weeks from the date of this order.
- (ii) A decision shall be taken as per its own merits.
- (iii) No order as to costs.

Member(A)

Vice-Chairman(J)

O.A. No. 503/2018 (SB)

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

Dated : 12.07.2018

Smt. S.W. Deshpande, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant seeks permission to file application for condonation of delay. Permission is granted as prayed for.

S.O. 20/07/2018.

Vice Chairman (J)

dnk.

O.A. No. 119/2014 (SB)

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

Dated : 12.07.2018

Shri Vipul Bhise, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned P.O.,

S.O.20/07/2018.

Put up along with O.A.120/2014.

Vice Chairman (J)

dnk.

O.A. No. 120/2014 **(SB)**

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

Dated : 12.07.2018

Shri Vipul Bhise, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned P.O.,

S.O.20/07/2018.

Put up along with O.A.119/2014.

Vice Chairman (J)

dnk.

O.A. No. 220/2016 **(SB)**

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

Dated : 12.07.2018

Shri Bharat Kulkarni, Id. counsel for
the applicant and Shri A.M. Ghogre, Id. P.O.
for the respondents.

The learned P.O. seeks time to file
concerned G.R. on record. At his request,

S.O. two weeks.

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

Vice Chairman (J)

dnk.

O.A. No. 716/2016 **(SB)**

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

Dated : 12.07.2018

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

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 567/17 with C.A.09/18 **(SB)**

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

Dated : 12.07.2018

Shri P.A. Jibhkate, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri Anupkumar Parihar, Id. counsel for R-3&4. None for R-5.

2. The learned counsel for R-3&4 submits that he wants to file additional affidavit stating the circumstances under which the applicant was allowed to work at Sadak Arjuni and for that purpose he seeks time. At his request, **S.O. two weeks.**

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

Vice Chairman (J)

dnk.

O.A. No. 571/2015 (SB)

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

Dated : 12.07.2018

Heard Shri P.C. Marpakwar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. This O.A. has been filed for regularization the period from the date of dismissal, i.e., 30/03/2001 till the date of actual retirement and to fix the pension of the applicant on provisional basis and for other consequential reliefs.

3. The learned counsel for the applicant today files Pursis and submits that since the departmental enquiry is pending, he may be given liberty to challenge the same on merits once the final order in the proceeding is passed and therefore the applicant wants to withdraw the O.A. with permission to file fresh O.A. with all grounds challenging the final order, if any, passed. The Pursis is taken on record and marked Exh-X for the purposes of identification.

4. In view thereof, he seeks permission to withdraw the O.A. The applicant is

allowed to withdraw the O.A. and hence the O.A. stands disposed of as withdrawn with liberty file fresh O.A. No order as to costs.

Vice Chairman (J)

dnk.

O.A.No.122/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.58/2017:-

Ms.S.M.Sarangpure holding for Shri D.I.Charlewar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondent nos. 1 to 3. None for respondent no. 4.

At the request of Id. counsel for the applicant, **S.O. next week.**

Member (A)

aps.

O.A.No.393/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.265/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *"that there was a delay by itself would not be sufficient to defeat the application because*

*if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical”*

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 394, 395, 396, 397, 398, 399, 400 & 401/2017.

Member

(A)

aps.

O.A.No.394/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.266/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *"that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical"*

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 395, 396, 397, 398, 399, 400 & 401/2017.

Member

(A)

aps.

O.A.No.395/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.267/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *“that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the*

Judicial forum has got to be liberal rather than technical"

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 396, 397, 398, 399, 400 & 401/2017.

Member

(A)

aps.

O.A.No.396/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.268/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *"that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical"*

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 395, 397, 398, 399, 400 & 401/2017.

Member

(A)

aps.

O.A.No.397/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.269/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *"that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical"*

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 395, 396, 398, 399, 400 & 401/2017.

Member

(A)

aps.

O.A.No.398/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.270/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *"that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the*

Judicial forum has got to be liberal rather than technical"

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 395, 396, 397, 399, 400 & 401/2017.

Member

(A)

aps.

O.A.No.399/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.271/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *“that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to*

whether sufficient cause was made out to condone it and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical"

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 395, 396, 397, 398, 400 & 401/2017.

Member

(A)

aps.

O.A.No.400/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.272/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No. 788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *“that there was a delay by itself*

*would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical”*

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 395, 396, 397, 398, 399 & 401/2017.

Member

(A)

aps.

O.A.No.401/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

C.A.No.273/2017:-

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

There is a delay in all the connected applications. The Id. counsel for the applicant has given one Judgment of MAT, Mumbai with Misc. Application No. 354 of 2016 in O.A. No.

788 of 2014, the Id. Counsel for the applicant relying in para no. 6 *“that there was a delay by itself would not be sufficient to defeat the application because if there was a delay, the further issue would be as to **whether sufficient cause was made out to condone it** and in this behalf, there are several Judgments in the field that lay down inter-alia that approach of the Judicial forum has got to be liberal rather than technical”*

Considering the above paragraph of MAT, Mumbai itself, the matter will be listed

after two weeks time. Meanwhile, the Id. Counsel for the applicant is directed to explain the delay in other cases and the same should be justified, **S.O. two weeks.**

Put up alongwith the O.A. Nos. 393, 394, 395, 396, 397, 398, 399 & 400/2017.

Member

(A)

aps.

O.A.No.265/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

Shri W.G.Paunikar, Id. counsel for the applicant, Shri A.P.Potnis, Id. P.O. for the respondent nos. 1 to 4 and Shri A.P.Sadavarte, Id. Counsel for respondent no. 5.

According to order dated 05/07/2018, the Id. P.O. has submitted tabular format of payment, the same is taken on record, which shows that G.P.F. has been paid on 09/09/2016, Leave encashment has been paid on 01/09/2017 and provisional pension for six months i.e. from 01/08/2016 to 31/01/2017 that has been paid on 24/10/2017.

In the chart, it is seen that G.I.S. payment is also under process at respondent no. 3 office. They have taken certificate from ITDP, Gadchiroli i.e. on 18/06/2018 and it is

under process of payment. Pension papers
has been

submitted to Accountant General by ITDP
Chandrapur by letter dated 02/07/2018.
Since the respondents have taken cognizance
of all the pensionary benefits which are in the
process. The O.A. is disposed off on the points
that the Id. Counsel for the applicant will
verify from applicant about their payment.

*Provisional pension should be continued
till decision of final pension, which should be
finalized within three months from the date of
receipt of this order.*

Member (A)

aps.

O.A.No.08/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

Shri A.Ramteke, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. Counsel for the applicant wants to amend the O.A. and annexed some documents on record, he is allowed to do so and directed to supply the copy of the same to the Id. P.O..

At the request of Id. counsel for the applicant, **S.O. one week.**

Member

(A)

aps.

O.A.No.308/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

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

The Id. P.O. has filed the affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. Copy is served to the other side.

Hence the matter is **admitted** and kept for final hearing in due course of time.

Member

(A)

aps.

O.A.No.528/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

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

Since the pleadings are completed, the
matter be **admitted** and kept for final
hearing.

*Put up this matter alongwith the O.A.
642/2017.*

Member

(A)

aps.

O.A.No.642/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

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

Since the pleadings are completed, the
matter be **admitted** and kept for final
hearing.

*Put up this matter alongwith the O.A.
528/2017.*

Member

(A)

aps.

O.A.No.893/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

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

The Id. P.O. seeks two weeks time to file affidavit-in-reply on behalf of the respondent no. 1. At his request, **S.O. two weeks.**

Member

(A)

aps.

O.A.No.796/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

Shri P.P.Kaware, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondent nos. 1 to 3. None for respondent no. 4.

Since the pleadings are completed, the matter be **admitted** and kept for final hearing in due course of time.

Member

(A)

aps.

O.A.No.982/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

None for the applicant. Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 to 3 & 6. Shri N.Majithia, Id. Counsel for respondent nos. 4 & 5.

The Id. P.O. has filed affidavit-in-reply on behalf of the respondent no. 6 as well as the respondent nos. 4 & 5 also filed affidavit-in-reply on behalf of the respondent nos. 4 & 5. Both the reply's are taken on record and copies are served to the other sides.

The Id. P.O. seeks two weeks time to file affidavit-in-reply on behalf of the

respondent nos. 2 and 3. At his request, **S.O.**
two weeks.

Member

(A)

aps.

O.A.No.982/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,
Member (A)

Dated : 12.07.2018.

None for the applicant. Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 to 3 & 6. Shri N.Majithia, Id. Counsel for respondent nos. 4 & 5.

The Id. P.O. has filed affidavit-in-reply on behalf of the respondent no. 6 as well as the respondent nos. 4 & 5 also filed affidavit-in-reply on behalf of the respondent nos. 4 & 5. Both the reply's are taken on record and copies are served to the other sides.

The Id. P.O. seeks two weeks time to file affidavit-in-reply on behalf of the respondent nos. 2 and 3. At his request, **S.O. two weeks.**

Member

(A)

aps.

O.A.No.159/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,
Member (A)

Dated : 12.07.2018.

Shri K.D.Manwatkar holding for Shri S.N.Gaikwad, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. seeks two weeks time to file affidavit-in-reply. At his request, **S.O. two weeks.**

Member

(A)

aps.

O.A.No.248/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 12.07.2018.

None for the applicant. Shri A.P.Potnis,
Id. P.O. for the respondent nos. 1 to 3 & 6.
None for respondent nos. 4 & 5.

The Id. P.O. has already received
parawise reply on behalf of the respondent
no. 6. He further seeks two weeks time to file
affidavit-in-reply on behalf of all the
respondents. At his request, **S.O. two weeks.**

Member

(A)

aps.