

O.A. No.363/2018.

(S.B.)

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

Dated : 26th June 2018.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

The learned P.O. seeks time to place on record the rule of the case law submitted by the applicant tomorrow.

S.O. 27.6.2018.

To be treated as part heard.

Vice-Chairman (J)

O.A. No.450/2018.

(S.B.)

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

Dated : 26th June 2018.

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

2. The Ld. CPO submits that the applicant has been relieved on 20.6.2018 and he has also placed on record a copy of relieving order which is marked "X" for identification. According to the Ld. counsel for the applicant, the applicant has not received such a relieving order, since she was on medical leave. It is stated that the applicant is still on medical leave and her daughter's marriage is to be solemnized on 10th July 2018. Therefore, in such circumstances, she may not be insisted to join at Nanded till her daughter's marriage is over.

Considering the fact that the applicant is a physically handicapped lady and her personal difficulty, the applicant can have option either to join at Nanded and proceed on leave or the respondents shall not insist the applicant to join at Nanded till her daughter's marriage is over. In view of this, the respondents are directed not to insist the applicant to join at Nanded till 17th July 2018.

3. Issue notice to R. 2 and 3 returnable on **17th July 2018**.

4. Shri S.A. Deo, the learned C.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 shall not be issued.

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the

case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. In case notice is not collected within seven days, and if service report on affidavit is not filed within three days before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. 17th July 2018.

Vice-Chairman (J)

O.A. No.457/2018.

(S.B.)

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

Dated : 26th June 2018.

Heard Shri N.R. Saboo, 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 may be permitted to implead the Chief Conservator of Forests as party respondent.

3. After adding the party, issue notice to the remaining and newly added respondents returnable in **two weeks.**

4. Shri S.A. Deo, the learned C.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 shall not be issued.

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by

Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. In case notice is not collected within seven days, and if service report on affidavit is not filed within three days before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **two weeks.**

Vice-Chairman (J)

pdg.

O.A. No.458/2018.

(S.B.)

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

Dated : 26th June 2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents/State.

S.O. 27.6.2018.

Vice-Chairman (J)

O.A. No.459/2018. (S.B.)

Coram: Shri J.D.Kulkarni,
Vice-Chairman(J)
Dated : 26th June 2018.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents/State.

S.O. 27.6.2018

Vice-Chairman (J)

O.A. No.460/2018. (S.B.)

Coram: Shri J.D.Kulkarni,
Vice-Chairman(J)
Dated : 26th June 2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents/State.

S.O. **27.6.2018** for removing objection.

Vice-Chairman (J)

O.A. No.461/2018. (S.B.)

Coram: Shri J.D.Kulkarni,
Vice-Chairman(J)
Dated : 26th June 2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents/State.

S.O. 27.6.2018.

Vice-Chairman (J)

pdg.

O.A. No.680/2015.

(S.B.)

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

Dated : 26th June 2018.

Heard Shri A.V. Gawande, the
Ld. counsel for the applicant and Shri
A.P. Potnis, the learned P.O. for the
respondents 1 to 3. Shri P.S. Patil,
Adv. for R.4.

S.O. 6th July 2018.

Vice-Chairman (J)

pdg.

O.A. No.807/2016.

(S.B.)

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

Dated : 26th June 2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

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

Vice-Chairman (J)

O.A. No.151/2017.

(S.B.)

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

Dated : 26th June 2018.

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

The Ld. P.O. has filed documents and stated that the prayer of the applicant for his reinstatement in service has been accepted by the respondents. The said documents are taken on record, it is marked "X" for identification.

S.O. 28.6.2018.

Vice-Chairman (J)

O.A. No.660/2017.

(S.B.)

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

Dated : 26th June 2018.

Heard Shri Bharat Kulkarni, the
Ld. counsel for the applicant and Shri
H.K. Pande, the learned P.O. for the
respondents.

Closed for orders.

Vice-Chairman (J)

pdg.

O.A.No.325/2018 (S.B.)

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

Dated : 26.06.2018.

Heard Shri A.P.Mishra, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. counsel for the applicant seeks two days time to file service affidavit, last chance is given to the Id. counsel for the applicant, if the service affidavit is not filed within two days, than the stay will be vacated.

S.O. 29/06/2018.

Member

(A)

aps.

O.A.No.369/2018 (S.B.)

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

Dated : 26.06.2018.

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

The Id. P.O. files affidavit-in-reply on behalf of the respondent no. 2. The same is taken on record. Copy is served to the other side. The Id. Counsel for the applicant wants to go through the same. As per the request of Id. counsel for the applicant, **S.O.**
03/07/2018.

Till that time, the order passed on 07/06/2018 in para no. 10, stay to the applicant is continued.

Member

(A)

aps.

O.A.No.379/2018 (S.B.)

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

Dated : 26.06.2018.

Heard Shri P.P.Khaparde holding for Shri G.G.Bade, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

As per the request of Id. P.O., **S.O.**

03/07/2018.

Till that time, the order passed on dated 08/06/2018 in para no. 02, stay to the applicant is continued.

Member

(A)

aps.

O.A.No.380/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 26.06.2018.

Heard Shri P.P.Khaparde holding for Shri G.G.Bade, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. P.O. is seeking request to list the matter on 29/06/2018. As per his request,

S.O.29/06/2018.

Till that time, the order passed on dated 08/06/2018 in para no. 02, stay to the applicant is continued.

Member

(A)

aps.

O.A.No.343/2018 (S.B.)

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

Dated : 26.06.2018.

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

The Id. P.O. submits that he will file the affidavit-in-reply during the course of the day.

At his request, **S.O. 10/07/2018.**

Member

(A)

aps.

O.A.No.266/2018 (S.B.)

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

Dated : 26.06.2018.

Heard Shri Sunil Pande, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The applicant is going to retire on 30/06/2018. The Id. P.O. should submit service book on record on Friday. The Id. P.O. files the Judgment of Hon'ble Supreme Court and Hon'ble High Court which is marked Exh. "X" & "X-1", the same is taken on record.

S.O. Friday i.e. 29/06/2018.

Member

(A)

aps.

O.A.No.222/2018 (S.B.)

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

Dated : 26.06.2018.

Heard Shri S.M.Khan, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. counsel for the applicant submits that today itself he will file the service affidavit as well as the Id. P.O. seeks four weeks time to file affidavit-in-reply.

S.O. 17/07/2018.

Member

(A)

aps.

O.A.No.230/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 26.06.2018.

Heard Shri G.Iyer, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. counsel for the applicant seeks one week time to file the service affidavit. At his request, **S.O. 03/07/2018.**

Member

(A)

aps.

O.A.No.760/2017 (S.B.)

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

Dated : 26.06.2018.

Heard Ms. S.M.Khaire holding for Shri S.S.Dhengale, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The affidavit-in-reply is already filed on record. The matter is admitted.

S.O. 10/07/2018 for final hearing.

Member

(A)

aps.

O.A.No.334/2018 (S.B.)

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

Dated : 26.06.2018.

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

The Id. P.O. seeks time to file affidavit-in-reply. At his request, **S.O. 29/06/2018.**

Member

(A)

aps.

O.A.No.394/2018 (S.B.)

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

Dated : 26.06.2018.

Heard Ms. M.D.Karare, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. counsel for the applicant seeks one week time to file service affidavit. At his request, **S.O. 03/07/2018.**

Member

(A)

aps.

O.A. 456/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 26/06/2018

Shri H.D. Marathe, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

At the request of learned counsel for the applicant, **S.O. 27/06/2018** for removing office objections.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 886/2017 (D.B.)

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

Dated : 26/06/2018

Shri A.B. Chalak, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2&3. It is taken on record. Copy is given to the Id. counsel for the applicant. He wants to go through the same.

S.O. 10/07/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 281/2015 (D.B.)

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

Dated : 26/06/2018

Shri G.G. Bade, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-2 to 5.

At the request of Id. counsel for R-2 to 5, **S.O. two weeks** for filing reply-affidavit.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 50/2017 (D.B.)

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

Dated : 26/06/2018

C.A.27/2018 -

Shri P.S. Khubalkar, Id. counsel
for the applicant and Shri H.K. Pande, Id.
P.O. for R-1&2. None for R-3.

At the request of Id. P.O., **S.O. two
weeks** for filing additional affidavit by
way of last chance.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 614/2017 (D.B.)

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

Dated : 26/06/2018

C.A.Nos. 533/2016 & 68/2018

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri N.B. Rathod, Id. counsel for R-3.

At the request of Id. P.O., **S.O. two weeks** for compliance order dated 12th June,2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 51/2017 (D.B.)

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

Dated : 26/06/2018

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

At the request of learned counsel for the applicant, **S.O. 28/06/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 685/2017 (D.B.)

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

Dated : 26/06/2018

Shri A. Raghute, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

At the request of learned counsel
for the applicant, **S.O. 28/06/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 713/2016 (D.B.)

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

Dated : 26/06/2018

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

At the request of Id. P.O., **S.O.**
27/06/2018.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 218/2018 (D.B.)

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

Dated : 26/06/2018

C.A.143/2018

Heard Ms. Ankita K. Shah, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant seeks permission to withdraw the C.A. with liberty to challenge the advertisement dated 14/06/2018. Permission is granted as prayed for.

3. In view of this, the C.A. stands disposed of with liberty to challenge the advertisement by filing separate O.A.

O.A.218/2018-

Ms. Ankita K. Shah, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of learned P.O.,
S.O. 05/07/2018 for filing reply-affidavit.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 272/2014 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 26/06/2018

Heard Smt. N. Jog, Id. counsel for the applicants and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. The applicants who were promoted on the post of Head Master (Primary) on various dates as mentioned in the Chart (Annex-A-1) in Column-5. However, they have been reverted from the said posts on various dates as mentioned in Column-6 of the said Chart in pursuance of letter dated 29/08/2002.

3. In Thane and Amravati Districts the protection was given to the pay scale of the reverted Head Masters and also it was decided to accommodate them on the promotional posts of equivalent status of the Head Master on the various categories. Accordingly the applicants' pay scale was protected. The learned counsel for the applicant submits that in Writ Petition No.5685/2002 the Hon'ble High Court of Judicature at Bombay on 23/10/2002 has observed in Para-2 as under :-

“(2) In the affidavit in reply it has been clarified that posts of Head Masters in Primary Ashramshalas will be converted into other cadres such as Trained Graduate Primary Teacher, Kendra Pramukh and their services and pay will be protected. No interference is therefore called for under Article 226.”

4. In view of this, the respondent no.1 is directed to file short affidavit stating as to why similar the approach has not been

taken in this case in spite of recommendation of the applicants' case by the competent authority. Such affidavit shall be filed within two weeks.

5. **S.O. two weeks (P.H.)**

6. Steno copy is granted.

Member(A) Vice-Chairman(J)

dnk.

Rev. No. 02/2015 in O.A.81/2007 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 26/06/2018

C.A.320/2016 -

Heard Shri M.R. Rajgure, Id. counsel for the applicant, Shri V.G. Palshikar, Id. special counsel for R-1 to 3 and Shri A.M. Ghogre, Id. P.O. for R-4.

2. By way of ample precaution, the applicant has filed C.A. whereby he is asking for condonation of delay in Review Application. It seems that the Judgment in O.A.No. 81/2007 was delivered on 24/12/2014 and according to the applicant there were some mistakes in the Judgment which were required to be corrected. The applicant filed MCA No.08/2015 for making such mistakes correctly. But on 16/02/2015 this Tribunal was pleased to allow the applicant to substitute MCA in application for Review and therefore this application is filed. Admittedly, this application has been filed within 30 days from the date of order passed by this Tribunal. However, by way of ample precaution the application for condonation of delay is filed.

3. In view of the circumstances as referred above, the C.A. for condonation of delay is allowed and the review application will be considered on merits.

Rev.App. No.02/2015 in O.A.81/20017 -

Heard Shri M.R. Rajgure, Id. counsel for the applicant, Shri V.G.

Palshikar, Id. special counsel for R-1 to 3 and Shri A.M. Ghogre, Id. P.O. for R-4.

2. Issue notice to R-1 to 3, returnable in **three weeks**. Learned P.O. waives notice for R-4. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and

separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as

limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 186/2013 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 26/06/2018

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

2. The applicant is claiming promotion to the post of MES-II from the post GSS-II as per Rule 3 (a) of the Recruitment Rules (these rules may be called the Administrative Officer, Group-A in the Maharashtra Education Service (Administration Branch-Ministerial cadre) (Recruitment) Rules,2006. It seems from the record that the applicant was found eligible for the promotion in the Minutes of Meeting

taken in 1998 and he was due for promotion in 1999. But the Government has taken a conscious decision not to promote the applicant since some departmental enquiry was pending against the applicant. Thereafter in 2003 also the applicant was again considered and again the decision was taken not to promote him due to pendency of the departmental enquiry.

3. In the reply-affidavit it has been stated that the departmental enquiry against the applicant has been concluded and the applicant has been exonerated from all charges except charge no.1 which has been partially proved and only the applicant has been censured. That the decision has taken place in 2012 and therefore the material question will be considered in this matter as follows :-

(i) Whether the applicant can be considered for promotion from 1999 or from 2010 ?

(ii) What is the procedure for sealed cover ? The respondent shall file on record the G.Rs. as regards sealed

covered procedure in case of pendency of the departmental enquiry

in respect of promotion. The respondents also shall place on record the communication received from the Government whereby it was decided not to promote the applicant due to pendency of the departmental enquiry.

4. At the request of learned P.O., matter be kept on **29/06/2018**.

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

Steno copy is granted.

Member(A)

Vice-Chairman(J)

dnk.