

C.P. No. 28/2018 in O.A. No. 223/2013. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

C.P. No. 28/2018.

Heard Shri Digvijay Takwale, Adv.
holding for Shri S.S. Ghate, learned Advocate
for the applicant and Shri A.M. Khadatkar,
learned P.O. for the respondents.

At the request of learned P.O., S.O. to
13.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

C.P. No. 20/2017 in O.A. No. 376/2007. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

C.P. No. 20/2017.

1. Heard Shri N.R. Saboo, learned Advocate for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. Learned Advocate for the applicant states that:-

(a) The Hon'ble High Court had enlarged time fixed by this Tribunal for taking decision.

(b) Now the decision is taken which is adverse to the applicant and applicant wants to challenge it.

3. Hence C.P. is disposed with liberty as available in law.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

C.P. No. 30/2018 in O.A. No. 290/2013. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

C.P. No. 30/2018.

Heard Shri N.R. Saboo, learned Advocate
for the applicant and Shri S.A. Sainis, learned
P.O. for the respondents.

At the request of learned P.O., S.O. to
25.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

C.P. No. 31/2018 in O.A. No. 304/2014. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

C.P. No. 31/2018.

Heard Shri N.R. Saboo, learned Advocate
for the applicant and Shri S.A. Sainis, learned
P.O. for the respondents.

At the request of learned P.O., S.O. to
25.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

C.P. No. 32/2018 in O.A. No. 305/2014. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

C.P. No. 32/2018.

Heard Shri N.R. Saboo, learned Advocate
for the applicant and Shri S.A. Sainis, learned
P.O. for the respondents.

At the request of learned P.O., S.O. to
25.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

C.P. No. 33/2018 in O.A. No. 306/2014. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

C.P. No. 33/2018.

Heard Shri N.R. Saboo, learned Advocate
for the applicant and Shri S.A. Sainis, learned
P.O. for the respondents.

At the request of learned P.O., S.O. to
25.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

C.P. No. 37/2018 in O.A. No. 173/2006. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

C.P. No. 37/2018.

Heard Shri R.V. Shiralkar, learned Advocate for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

At the request of learned P.O., S.O. to 25.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 759/2017.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri R.V. Shiralkar, learned Advocate for the applicant and Shri P.N. Warjekar, learned P.O. for the respondent 1.

Await service to R. 2 to 5.

Case is wrongly listed since as per the order dated 18.9.2018. O.A. stands automatically dismissed.

Hence removed from board.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 675/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri N.A. Gawande, learned Advocate for the applicant and Shri A.P. Potnis, learned P.O. for the respondents 1 to 3. Shri Nitin Munghate, Adv. for R.4.

Learned P.O. as well as Adv. for respondent pray for time for filing affidavit in reply. Time granted.

S.O. to 25.3.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 767/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 29th January 2019.**

Heard Shri N.S. Bhelkar, learned
Advocate for the applicant and Shri A.M.
Ghogle, learned P.O. for the respondents.

S.O. to

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 880/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri Bharat Kulkarni, learned Advocate for the applicant and Shri P.N. Warjekar, learned P.O. for the respondents.

At the request of P.O., S.O. to 7.2.2019 for filing reply.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 894/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri D.M. Surjuse, learned Advocate for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

At the request of P.O., S.O. to 14.2.2019 for filing reply.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 919/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri D.M. Surjuse, learned
Advocate for the applicant and Shri V.A.
Kulkarni, learned P.O. for the respondents.

At the request of P.O., S.O. to 14.2.2019
for filing reply.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 979/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri I.G. Meshram, learned Advocate for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondent No.1. Shri S. Ukey, Adv. for R.2.

At the request of P.O., S.O. to 15.2.2019 for filing reply.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 885/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri S.M. Khan, learned Advocate
for the applicant and Shri M.I. Khan, learned
P.O. for the respondents.

Closed for orders.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 680/2015.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

Heard Shri A.V. Gawande, learned Advocate for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 to 3. None for R.4.

Closed for orders.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 522/2016.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

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

S.O. 15.3.2019.

(Justice A.H. Joshi)
Chairman

Dt.29.1.2019.

pdg.

O.A. No. 46/2019

(N.P. Yadav V/s State and three others.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 29th January 2019.

ORDER

1. Heard Shri R.A. Haque, learned Advocate for the applicant and Shri M.I. Khan, learned P.O. for the respondent No.1.
2. Issue notice to R.2 to 4 returnable on 15.3.2019, on O.A. and interim relief.
3. Shri M.I. Khan, learned P.O. waives notice for the respondent No.1. Hamdast granted.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.
6. 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.

7. 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.

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

9 Heard on the point of interim relief.

(a) Perused impugned order.

(b) Applicant's prayer for change in record as regards date of birth is rejected by the Government.

(c) According to applicant, his date of birth as per:-

(i) School record is 1.2.1961

(ii)Municipal record is 23.8.1962.

(d) Applicant entered Government service on 28.5.1997 and service record of date of birth is 1.2.1961 concurring with certificate of SSC.

(e) Applicant had applied for correction in date of birth in service record as per Municipal record supported by copy of birth register.

(f) By letter dated 15.6.2017 applicant requested for decision on his application for correction in date of birth.

(g) Applicant's request was processed and the Respondent No.3 rejected applicant's request for correction in date of birth by order dated 23.8.2018.

(h) In O.A. 365/2018 was preferred by applicant and by order dated 11.5.2018, this Tribunal has set aside order dated 23.8.2018 and directed the Respondent No.1 to decide applicant's claim afresh in accordance with law.

(i) Respondent No.1 has passed order on 25.1.2019 and rejected applicant's claim with a brief but reasoned order.

(j) Applicant seeks exception to order dated 5.1.2019 passed by the Respondent No.1.

(k) Perusal of impugned order reveals findings adverse to applicant.
Summary whereof is as below:-

- (i) Applicant did not furnish proper explanation towards delay in furnishing evidence.
- (ii) Applicant took follow up of his application dated 25.2.1999 after 18 years.
- (iii) In corrected birth certificate dated 30.6.2018, name of applicant's grandfather differs from the grandfather's name

seen in heirship certificate.

- (iv) Date of birth recorded in service roll cannot be changed unless it is due to fault of administration as laid down in 38 (2) (f) of Maharashtra Civil Services (General Condition of Service) Rules, 1981.

10. Applicant has challenged impugned order on the grounds of:-

(a) It being perverse

(b) Reliance on discrepancy / variation in certificate of heirship is placed by Respondent No.4 without dealing with and without legitimately rejecting applicant's written explanation, copy whereof is on record at 30 and 31, and hence said finding is perverse.

(c) Delay on the part of applicant in persuasion of his request for correction is seen as blunder, but inaction on the part of authorities is totally connived at.

(d) Corrected certificate dated 15.2.2017 fortifies old entry. All that is added is applicant's name and there is no tinkering with the date, however, certificates are totally misread rather not read as evidence, though it carries presumptive value.

(e) Rule 38 of the Maharashtra Civil Services (General

Condition of Service) Rules,
1981 is not without
exceptions.

11. With detailed pleadings applicant has prayed for *ex parte* relief.

12. Learned P.O. has strongly opposed grant of interim relief. The learned P.O. has placed reliance on following judgments:-

(i) (2016) 15 SCC 781 in case of
L.I.C. of India and others V/s R.
Basavaraju alias Basappa

(ii) (2016) 5 Mh.L.J. in case of Union
of India V/s Vishwas
Jaywantrao Bhosale and others.

(iii) 2017 SCC Online Bom. 8518 in
W.P. No. 4188 of 2017 in case of
Chandrakant Punju Wagh V/s
Chairman and Managing Director,
Maharashtra State Electricity
Distribution Co. Ltd. and
another.

(iv) 1994 Supp (1) SCC 155 in case of
Secretary and Commissioner,
Home Department and others V/s
R. Kirubakaran.

13. Learned P.O. is not able to throw any light on the point No.10 (b), 10 (c), 10 (d) and 10 (e) narrated in foregoing para.

14. Learned P.O. has emphasized on Rule 38 of the Maharashtra Civil Services (General Condition of Service) Rules, 1981.

15. Citations relied upon by the learned P.O. throw light on belated claim. On facts of the

case, admittedly, the applicant had applied within stipulated period. Applicant's application remained unattended. When retirement came affront, the applicant has persuaded. Seen from any angle citations relied upon by the State, do not govern the facts of the case. Moreover, those can be seen while considering the O.A. at final hearing.

16. The applicant is put to notice that by drawing salary for February payable in March, the applicant shall have to furnish an undertaking.

In the event, he fails in O.A., salary and allowances paid by him, be dealt with by this Tribunal at the time of final hearing and in the event refund is ordered, he shall have to do so by adjustment from pension.

17. In view of the facts and points urged by applicant following issues / points do surface :-

(a) Delay on the part of applicant, applicant is not examined in an unbiased manner.

(b) *Prima facie* documents relied by applicant are not appreciated and *prima facie* those are read incorrectly and in disjuncture with applicant's explanation.

(c) Applicant has made out strong *prima facie* case that date of birth relied upon by him i.e. based on antecedent Municipal record of Register of date of birth.

(d) Register of date of birth cannot be casually brushed aside,
which is a piece of evidence carrying presumptive and probative value, being an extract of register maintained by a statutory authority in routine course of public duty.

18. In the result, the Tribunal is satisfied that applicant has made out case for grant of *ex parte ad interim* relief in terms of para 11(i).and it is hereby granted.

19. Respondent shall have liberty to file reply to O.A. and move for vacation of interim relief.

20. Observations made in this interim order are based on what prima facie reveals and are open for vary after reply is filed.

(Justice A.H. Joshi)

Chairman

Dt.29.1.2019.

pdg.

O.A.No. 881/2009. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

C.A.Nos.260, 261, 262 & 263/2018:-

Ms. Divya Joshi holding for Smt. R.S.Sirpurkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. As requested by Id. counsel for the applicant, issue fresh notice to the respondents.

3. Notice on C.A. to **R. 2 & 3** be issued returnable in **three weeks**.

4. Shri H.K.Pande, the learned P.O. 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 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 the O.A.

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. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

9. 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.

10. **S.O. three weeks.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 42/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 29th January 2019.

Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has submitted the documents of appointment of applicant as a Medical Officer as per the recommendation of M.P.S.C. along with the pursis. He is invited our attention on Annexure-A-4 at P.B., Pg. No. 15, by which applicant has made representation to Director, Public Health, Mumbai.

3. In view of this, it is directed that Status-quo will be maintained as on today and Director, Public Health Services, Mumbai is directed to decide the applicant's representation on P.B., Pg. No. 15, Annexure-A-5 **within two weeks** time from the date of this order.

4. Till that time, Status quo will be maintained so far as it relates to continuation of service of applicant is concerned.

5. Issue notice to R-2 & 3, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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.
8. 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.
9. 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.

10. 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.

11. **S.O. two weeks.**

12. **Steno copy is granted.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 105/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

C.A.No.297/2018:-

Heard Shri G.R.Sadar, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2 & Shri S.P.Palshikar, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the applicant submits that he is not intending to press C.A. No. 297/2018 and matter be finally heard therefore, **C.A. No. 297/2018 is disposed of.**

O.A.No.105/2016:-

1. The Id. P.O. has placed on record, G.R. No. dzeckvk&2016@i:dz:181@dk-07] fnukad 03-12-2016] by which it appears that Shri G.R.Shinde, Joint Director, Mahila Va Bal Vikas, Department had requested for V.R.S. and by this order, the V.R.S. is accepted. After his V.R.S. acceptance of order dated 03/12/2016, we fail to understand, why D.P.C. was not taken and applicant case was not considered. Respondents have clearly shown apathy towards applicant. The applicant has been deprived from his right, after respondent no. 3 took V.R.S..

2. The Id. counsel for the applicant has filed the document taken under R.T.I. at P.B., Pg. No. 39, Annexure-A-13, this shows that applicant's C.Rs. for the year 2008-09, 2009-10, 2010-11, 2011-12 & 2012-13 all are "A+".

3. In View of Justice and equity, respondents are directed to take D.P.C. immediately and consider the applicant's on merit and prevalent Government Rules and Regulations for promotion. The respondents are further directed to communicate the same to the applicant and file the report to this Tribunal through Id. P.O..

4. **S.O. three weeks.**

5. **Steno copy is granted.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 677/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri P.V.Ghare, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

2. From the record, it appears that, as per P.B., Pg. No. 17, Annexure-A-3, letter no. tlo d d 2375@ofy-1@2016] f n u k d 18-03-2016] the applicant was issued a show cause notice and he was asked to reply till 19/03/2016 i.e. only one day time was given. In the letter, nowhere it was mentioned that department had intention to revert the applicant.

3. After that, as per P.B., Pg. No. 40, Annexure-A-11, bearing No. i h v k t h & 2016 @ i z d z 32 @ l o k & 2] f n u k d 23-03-2016] it appears that the applicant was reverted. It seems that natural justice was violated and applicant was not given sufficient opportunity to explain his side. So the order of reversion is bad-in-law.

4. Considering this procedural lacuna in the order, order number at P.B., Pg. No. 40, Annexure-A-11, bearing No. i h v k t h & 2016 @ i z d z

32@l ol&2] fnukd 23-03-2016 is quashed and set aside.

5. It was pointed out that, applicant has not been paid G.P.F. amount. We feel that, G.P.F. amount is applicant's own amount deposited and that should be paid as earliest. Regarding other relief sought and benefit claimed by the applicant cannot be decided at this stage. It can be decide only after Judicial proceedings pending at the Session Court.

6. With this observations, **the O.A. is disposed of with no order as to costs.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 286/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 29th January 2019.**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 2. It is taken on record. He further submits that he will serve the copy to the other side.

The matter is **admitted** and kept for final hearing.

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

S.O. in due course.

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 427/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

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

Closed for orders.

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 550/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri G.K.Bhusari, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 26.

The Id. P.O. is directed to file on record specific Rules related to Talathi Cadre to passed examination before coming into force of G.R. dated 29/10/1997, which is at P.B., Pg. No.77 (Annexure-A-8).

S.O. four weeks.

**Member(J)
Date:-29/01/2019.
aps.**

Member(A)

O.A.No. 581/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

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

The Id. P.O. filed the reply on behalf of the respondent no. 3. It is taken on record. He further submits that he will serve the copy to the other side.

The Id. P.O. seeks three weeks time to file reply of respondent no. 2. **S.O. three weeks.**

**Member(J)
Date:-29/01/2019.
aps.**

Member(A)

O.A.Nos. 705, 706, 707 & 708/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

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

The Id. P.O. seeks **three weeks** time to file reply in O.A. Nos.705, 707 & 708/2018.

The Id. P.O. filed the reply on behalf of the respondent nos. 2 & 3. It is taken on record. He further submits that he will serve the copy to the other side in O.A. No. 706/2018.

S.O. three weeks.

**Member(J)
Date:-29/01/2019.
aps.**

Member(A)

O.A.No. 722/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 29th January 2019.**

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

The Id. P.O. filed the reply on behalf of
the respondent nos. 3 & 4. It is taken on
record. He submits that he will serve the copy
to the other side. He further submits that
reply of respondent no. 5 has already been
filed and reply of respondent nos. 1 & 2 is not
required.

Hence, the matter is **admitted** and
kept for final hearing.

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

S.O. in due course.

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 910/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 29th January 2019.**

C.A.Nos.360/2018 & 11/2019:-

Heard Shri S.D.Borkute, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has placed on record O.A.St.No. 3021/2018 in order dated 24.01.2019 of Aurangabad Bench of MAT. He pointed out para no. 2 of the order related to the territorial jurisdiction of Bench and this case is similar.

3. However, he was pointed out that para no. 2 of order of MAT, Aurangabad Bench cannot be made applicable in this O.A.. Since total nos. of applicants are twenty six and seventeen are out of Vidharbha Region.

4. So the question of jurisdiction has to be considered. Hence, **both the C.As. are allowed.**

5. **S.O. two weeks.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 967/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri W.G.Paunikar, the Id.
Counsel for the applicant and Shri M.I.Khan,
the Id. P.O. for the Respondents.

The Id. P.O. seeks two days time to file
reply. As agreed by both the counsels. **S.O.**
04/02/2019.

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 05/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri Gajanan Shinde holding for Shri S.M.Vaishnav, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

The Id. P.O. seeks four weeks time to file reply. **S.O. four weeks.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 33/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

2. The Id. Counsel for the applicant submits that he will file the service affidavit during the course of the day.

3. In order dated 21/01/2019, para no. 2 status quo was granted, the same relief is continued till next date of hearing.

4. **S.O. two weeks.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 257/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Rev.No.24/2018:-

Heard Shri Gohatre i.e. the applicant's father in person and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 to 6.

2. At the request of Id. P.O., **S.O. two weeks.**

**Member(J)
Date:-29/01/2019.
aps.**

Member(A)

O.A.No. 293/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. filed Divisional Commissioner, Amravati order of appointment dated 24/01/2019 bearing no. tk-dz-in-smil-pkyd %uiki%v-dk-dkfo&27@19, by which grievances of the applicant is redressed. The Id. Counsel for the applicant agreed that nothing survives in the O.A..

3. Hence, **O.A. is disposed of with no order as to costs.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 448/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent nos. 5 to 23.

2. The Id. P.O. requested, **S.O.**
11/02/2019.

Member(J)
Date:-29/01/2019.
aps.

Member(A)

O.A.No. 687/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 29th January 2019.

Heard Shri S.G.Malode, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 6.

2. The Id. P.O. is directed to take instructions from the department and file on record that why applicant was not considered for first A.P.Y. in the year 1989.

3. **S.O. two weeks.**

Member(J)
Date:-29/01/2019.
aps.

Member(A)