

O.A. (St.) No. 1550/2016 (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

M.C.A. No.57/2017 in M.C.A. No. 58/2017
in C.A. 465/2016

Heard Shri S.K. Thengre, the Ld. counsel for the applicant and Shri the learned P.O. for the respondent Nos. 1 & 3. Mrs. N.A. Palshikar, adv. holding for Shri V.G.Palshikar, the Ld. counsel for R. 2 and 4.

2. The Ld. counsel for the applicant files counter-affidavit to the additional reply filed by respondent Nos. 1 to 4. The same is taken on record a copy thereof is supplied to the other sides.

3. The Ld. Advocate for R. 2 and 4 seeks two weeks time.

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

Member(A)

Vice-Chairman(J)

O.A. No. 372/2017 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.**

C.A. No.96/2018.

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

Ld. P.O. seeks time to file reply
affidavit to the C.A.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

O.A. No. 112/2008 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.**

C.A. No.148/2018.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The applicant wants to amend the O.A. in view of certificate issued by Director of Sports, Pune whereby the applicant's claim to the sports category has been rejected. The Ld. P.O. submits that in the amendment application, the said certificate has not been challenged. The applicant seeks permission to amend the O.A. to that effect also, as he wants to challenge the certificate issued by Director of Sports, Pune. After amendment, due to subsequent event, since the applicant has received a copy of certificate rejecting his claim for sports category, it will not change the nature of the O.A. Hence in the interest of justice, application for amendment is allowed. The applicant will be at liberty to amend the prayer clause by challenging the

certificate vide which his claim for sports category has been rejected by the Director of Sports, Pune. The Ld. P.O. submits that the certificate of sports is challenged by amendment, question of limitation may arise. The Ld. counsel for the applicant, however, submits that he has received a copy of certificate just now and, therefore, matter of limitation is out of question. It is, however, made clear that the Ld. P.O. will be at liberty to raise all points including the point of limitation while replying the amended O.A. Amendment be carried within three days and reply be filed within three weeks.

S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 287/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

None for the applicant. Shri
A.M. Ghogre, the learned P.O. for the
respondent No.4.

Await service to R. 1 to 3.

S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 972/2017

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

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

S.O. three weeks.

Member(A)

Vice-Chairman(J)

pdg.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

Heard Shri Ganesh Iyer, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1.

2. Ld. P.O. submits that he will file reply affidavit during the course of the day.

3. At the request of the Ld. counsel for the applicant, issue notice to respondent No.2 returnable after **three weeks**.

4. Shri H.K. Pande, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 180/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

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

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

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 263/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

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

At the request of Ld. P.O., S.O.
two weeks.

Member(A)

Vice-Chairman(J)

pdg.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

Heard Ms. A.K. Shah, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. 4.7.2018.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 253/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

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

At the request of Ld. P.O., S.O.
4.7.2018.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 257/2017

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **11.7.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 790/2009

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

None for the applicant. Shri
P.N. Warjekar, the learned P.O. for
the respondents.

Matter be kept for dismissal on
30.7.2018.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 795/2009

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.

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

2. In this matter, Shree Bhagwan, the Ld Member (A) seems to have signed some orders and, therefore, he wants to withdraw the same from his bench. The Ld. counsel for the applicant submit that the matter be heard on merits by the Vice-Chairman (J), as it is matter of 2009. The Ld. P.O. has also consented for the same. In view thereof, matter be kept before the bench of Vice-Chairman (J) with consent for final hearing.

3. S.O. **4th July 2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 282/2013

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.**

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

Closed for orders.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 651/2014 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 3rd July 2018.**

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

2. The Ld. counsel for the applicant makes a statement the applicant has been convicted in the criminal case and as such has been dismissed from service and, therefore, O.A. has become infructuous. In view thereof, O.A. stands disposed of as it has become infructuous with no order as to costs.

Member(A)

Vice-Chairman(J)

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

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

Dated : 03.07.2018.

Heard Shri G.Iyer, Id. Counsel for the applicants and Shri A.M.Khadatkar, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

2. The Id. Counsel for the applicant submits that he will file service affidavit for respondent no. 2 by Monday, fresh notice be issued for respondent no. 3. As desires by the Id. Counsel for the applicant, issue fresh notice to respondent no. 3.

3. Issue fresh notice to R-3, returnable after four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to 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 **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. After four weeks.

Member

(A)

aps.

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

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

Dated : 03.07.2018.

Heard Shri M.A.Sable, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. The Id. Counsel for the applicant submits that he will file service affidavit for respondent no. 2 and 3 in the office.

2. However, the Id. Counsel for the applicant pointed out that he needs to change the address of respondent no. 4, since he is a private party, so he needs some time to served the same. He seeks time till Monday. Meanwhile, the Id. Counsel for the applicant is permitted to change the address of the respondent no. 4. Therefore, notice be issued after amendment of address.

2. Issue notice to R- 4, returnable on 09-07-2018. Learned C.P.O. waives notice for R-1. 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. Monday i.e. 09/07/2018.**

Member

(A)

aps.

O.A.No.424/2018 (S.B.)

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

Dated : 03.07.2018.

Heard Shri P.S.Wathore, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Caveator wants to file intervention, he is allowed for the same. The Id. P.O. seeks two weeks time to file affidavit-in-reply.

In order dated 18/06/2018 in para no. 2, status quo is granted, the same is continued till next date of hearing.

S.O. two weeks.

Member

(A)

aps.

O.A.No.425/2018 (S.B.)

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

Dated : 03.07.2018.

Heard Shri G.K.Bhusari, 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. P.O. seeks three weeks time to file affidavit-in-reply. At his request, **S.O. three weeks.**

Member

(A)

aps.

O.A.No.436/2018 (S.B.)

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

Dated : 03.07.2018.

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. P.O. has submitted a document which is marked Exh. "X" by which applicant has been transferred on administrative ground under Section 4 (4) (2) and Section 4 (5) of "The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of official Duties Act, 2005". However, it is not clear that prior permission of higher authorities are taken before transferring him after 31 May. The Id. P.O. is directed to submit permission taken from one level above.

*The order passed on dated 25/06/2018
in para no. 2, the status quo is continued till
next date of hearing.*

S.O. one week for filing service
affidavit.

Member

(A)

aps.

O.A.No.437/2018 (S.B.)

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

Dated : 03.07.2018.

Heard Shri G.Asole, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

The Id. P.O. has submitted a document which is marked Exh. "X" by which applicant has been transferred on administrative ground under Section 4 (4) (2) and Section 4 (5) of "The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of official Duties Act, 2005". However, it is not clear that prior permission of higher authorities are taken before transferring him after 31 May. The Id. P.O. is directed to submit permission taken from one level above.

*The order passed on dated 25/06/2018
in para no. 2, the status quo is continued till
next date of hearing.*

S.O. one week.

Member

(A)

aps.

O.A.No.871/2017 (S.B.)

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

Dated : 03.07.2018.

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

The Id. Counsel for the applicant desires to file Rejoinder. At his request, **S.O. two weeks.**

Member

(A)

aps.

O.A.No.360/2018 (S.B.)

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

Dated : 03.07.2018.

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondent nos. 1 to 4. None for respondent no. 5.

The Id. P.O. desires two weeks time to file affidavit-in-reply. This will be last chance for filling reply, **S.O. 17/07/2018.**

The status quo granted on 06/06/2018 in para no. 2 is continued till next date of hearing.

Member

(A)

aps.

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

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

Dated : 03.07.2018.

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

The Id. Counsel for the applicant files Rejoinder. It is taken on record. The matter will be listed on 17/07/2018 for final disposal till that time the order passed on 07/06/2018 in para no. 10, Status-quo to the applicant is continued.

S.O. 17/07/2018.

Member

(A)

aps.

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

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

Dated : 03.07.2018.

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

The Id. Counsel for the applicant desires one week time to file Rejoinder. The matter will be listed on 10/07/2018 till that time the order passed on dated 08/06/2018 in para no. 2 status quo to the applicant is continued.

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

Member

(A)

aps.

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

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

Dated : 03.07.2018.

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

The Id. P.O. submitted an order which is marked Exh. "X" for identification and applicant is at Sr. No. 11. The applicant grievances has been solved. In view of that, the Id. Counsel for the applicant submits that grievances are redressed and O.A. become infructuous. Therefore, O.A. is disposed off as infructuous.

No order as to costs.

Member

(A)

aps.

O.A.No.386/2018 (S.B.)

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

Dated : 03.07.2018.

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

Interim order passed on 11/06/2018 in para no. 2 is continued till next date of hearing.

Member

(A)

aps.

O.A. No. 482/2018 **(SB)**

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

Dated : 03.07.2018

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

Tathod, Id. C.P.O. for R-1.

2. Issue notice to R-2 to 5, returnable in **two weeks**. Learned C.P.O. waives notice for R-1. 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. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 228/2016 **(SB)**

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

Dated : **03.07.2018**

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri A.Y. Kapgate, Id. counsel for R-3.

2. The learned P.O. submits that on the similar point the order passed by this Tribunal has been challenged before the Hon'ble High Court and he wants to take instructions regarding status of the matter and for that purpose he seeks one week time. At his request, **S.O. one week**.

Vice Chairman (J)

dnk.

O.A. No. 371/2016 **(SB)**

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

Dated : 03.07.2018

Shri N.R. Saboo, Id. counsel holding for Shri A.D. Girdekar, Id. counsel for the

applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri V.B. Gawali, Id. counsel for R-4.

At the request of learned counsel for the applicant, **S.O. four weeks**.

Vice Chairman (J)

dnk.

O.A. No. 424/2016 **(SB)**

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

Dated : 03.07.2018

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

2. From the record it seems that nobody appeared for the applicant on 14/02/2017. Thereafter on 14/03/2017 and 21/06/2017 nobody appeared for the applicant. The matter is therefore kept for dismissal today. Today also nobody appeared for the applicant.

3. It seems that the applicant may not be interested in prosecuting the matter. Hence, the O.A. stands dismissed with no order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 654/2016 **(SB)**

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

Dated : 03.07.2018

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2 and P.S. Tiwari, Id. counsel for R-3.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 261/2017 (SB)

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

Dated : 03.07.2018

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

2. The learned counsel for the applicant files on record copy of the applicant's representation dated 13/03/2018 (P-37)

which has been supplied to the learned P.O. and submits that directions be issued to the respondent no.1 to take appropriate decision within a stipulated period.

3. The applicant is working as Auditor, Grade-I and vide impugned order dated 08/03/2017 (Annex-A-1,P-16) he has been kept under suspension on the ground that some crime was registered against him for the offences under Sections 420,467,468,471 & 409 r/w Section 34 of the IPC. Till today no charge sheet has been filed nor any departmental enquiry is initiated against the applicant. The applicant has filed representation on 11/04/2017 (Annex-A-5, P-25) for revocation of his suspension and thereafter on 13/03/2018 (P-37). However no step has been taken on his representations.

4. The learned counsel for the applicant submits that the application may be disposed of with direction to respondent no.1 to take decision on the representations filed by the applicant within a stipulated period. Admittedly the applicant has been kept under suspension for more than 90 days and till today neither charge sheet has been filed nor any departmental enquiry is initiated. In view thereof and also in view of the directions given by the Hon'ble Apex Court in the case of Ajay Kumar

Choudhary Vs. Union of India, SCC, 2015

(2) SCALE 432, the respondent no.1 is directed to take appropriate decision on the representations filed by the applicant within three weeks from the date of this order and the same shall be communicated to the applicant in writing. The O.A. stands disposed of accordingly.

Vice Chairman (J)

dnk.