

C.P. No. 17/2017 in O.A. No. 687/2014. (D.B.)

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

Dated : 30th January 2019.

C.P. No. 17/2017.

1. None for the applicant. Shri H.K. Pande, learned P.O. for the respondent Nos. 1 to 3. None for R.4, 5 and 6.
2. Adjourned to 1.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

C.P. No. 43/2018 in O.A. No. 444/2017. (D.B.)

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

Dated : 30th January 2019.

C.P. No. 43/2018.

1. Shri Sagar Katkar, Adv. holding for Shri N.R. Saboo, the Ld. counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.
2. At the request of Ld. P.O., S.O. to 14.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

C.P. No. 09/2017 in O.A. No. 618/2014. (D.B.)

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

Dated : 30th January 2019.

C.P. No. 09/2017.

1. Heard Smt. Nisha Khopekar, Adv. holding for Shri S.D. Zoting, learned Advocate for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondent Nos. 1 to 3. None for R.4.

2. Applicant has raised a contention that entire amount payable to the applicant is not paid by Respondent No.4.

3. Respondent No.4 is directed to furnish to the applicant entire breakup of calculation of amount paid to the applicant within one week.

For further orders, S.O. to 12.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

C.P. No. 19/2017 in O.A. No. 617/2014. (D.B.)

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

Dated : 30th January 2019.

C.P. No. 19/2017.

1. Heard Smt. Nisha Khopekar, Adv. holding for Shri S.D. Zoting, learned Advocate for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondent Nos. 1 & 3. Shri A. Parihar, Adv. for R.2.
2. Applicant has raised a contention that entire amount payable to the applicant is not paid by Respondent No.2.
3. Respondent No.2 is directed to furnish to the applicant entire breakup of calculation of amount paid to the applicant within one week.

For further orders, S.O. to 12.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

C.P. No. 45/2018 in O.A. No. 114/2017. (D.B.)

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

Dated : 30th January 2019.

C.P. No. 45/2018.

1. Heard Shri Sagar Katkar, Adv. holding for Shri N.R. Saboo, learned Advocate for the applicant and Shri P.N. Warjekar, learned P.O. for the respondents.
2. Dr. Duryodhan Gopalji Chavan, District Health Officer, Zilla Paishad, Yavatmal (R.5) is present before this Tribunal and requested for time till 15.2.2019.
3. S.O. to 15.2.2019 for compliance.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

C.P. No. 46/2018 in O.A. No. 403/2017. (D.B.)

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

Dated : 30th January 2019.

C.P. No. 46/2018.

1. Heard Shri Sagar Katkar, Adv. holding for Shri N.R. Saboo, learned Advocate for the applicant and Shri P.N. Warjekar, learned P.O. for the respondents 1 to 3.
2. Shri S.N. Gaikwad, Adv. appeared for respondent No.4.
3. At the request of the respondent No.4, S.O. to 14.2.2019 for compliance.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A. No. 670/2017.

(S.B.)

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

Dated : 30th January 2019.

1. None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents 1 to 3.
2. At the request of Ld. P.O., S.O. to 31.1.2019 for filing reply.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A. No. 767/2018.

(S.B.)

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

Dated : 30th January 2019.

1. None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents..
2. Learned P.O. states as follows:-
 - (a) Sanction for prosecution is granted and charge-sheet may be filed early.
 - (b) Applicant's case would be placed before Review Committee for review of suspension within two weeks.
3. Hence S.O. to 21.2.2019 for reporting outcome of review.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A. No. 545, 546 & 600 of /2018.

(S.B.)

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

Dated : 30th January 2019.

1. Heard Shri N.D. Thombre, learned Advocate for the applicants and Shri M.I. Khan, Shri V.A. Kulkarni and Shri S.A. Sainis, learned P.Os respectively for the respondent Nos. 1 to 3. None for R.4.

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

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A. No. 982/2018.

(S.B.)

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

Dated : 30th January 2019.

1. Heard Miss A. Lanjewar, learned Advocate for the applicants and Shri A.M. Khadatkar learned P.O. for the respondents.
2. At the request of Ld. P.O., S.O. to 28.2.2019 for filing reply.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A. No. 16/2018.

(S.B.)

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

Dated : 30th January 2019.

1. Heard Shri P.V. Thakare, learned Advocate for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.
2. It is seen that disciplinary enquiry proceedings are completed way back in early 2016.
3. Show cause of penalty is not served so far.
4. Now file is pending with the Govt. for further action.
5. Govt. is asked to show cause as to why an order be not passed to declare that enquiry and charge-sheet shall stand lapsed if final conclusion is not reached and final order is not passed within 60 days from today.
6. Reply to this show cause be filed within 2 weeks from today.
7. S.O. to 12.2.2019.
8. Steno copy and hamdast is allowed for enabling learned P.O. to communicate this order to the Govt.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A. No. 439/2018.

(S.B.)

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

Dated : 30th January 2019.

1. Heard Shri A.P. Tathod, the learned Advocate for the applicant and Shri A.M. Ghogre, Ld. P.O. for the respondents.
2. O.A. stands disposed of as infructuous.

(Justice A.H. Joshi)
Chairman

Dt.30.1.2019.

pdg.

O.A.No. 422/2013. (D.B.)

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

Dated : 30th January 2019.

Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 553/2012. (D.B.)

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

Dated : 30th January 2019.

Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 897/2012. (D.B.)

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

Dated : 30th January 2019.

Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 606/2012. (D.B.)

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

Dated : 30th January 2019.

Shri S.W.Sambre, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 185/2018. (D.B.)

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

Dated : 30th January 2019.

C.A.No.165/2018:-

Heard Shri M.G.Burde, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents. The representative of the department present personally and he has been explained the situation also.

2. It appears that the applicant is having certificate on P.B., Pg. No. 34 (Annexure-A-6) about certificate for passing the examination from Maharashtra Nursing Council, Mumbai. The day written on the certificate is January, 2016. However, it has been issued on 03/03/2016.

3. Those candidates, who were issued show cause notice subsequently as per the P.B., Pg. No. 70 letter no. tk-dz c@vKLFN@inHA&16@10281&86] fnukd 25-07-2018] no action has been taken subsequently against them till now.

4. In view of this, respondents are directed to take applicant also on the same condition **within three months** from the date of this order and communicate to the

applicant and file the report to the Tribunal through Id. P.O..

5. **S.O. after three months.**

6. **Steno copy is granted.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 761/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 30th January 2019.

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

2. The Id. Counsel for the applicant produced Hon'ble Supreme Court Judgment in the case of **State of Maharashtra Vs. Milind & Ors., (2001) 1 Supreme Court Cases 4** and he also relied on para no. "38" of the said Judgment which is at Pg. No. 31, which reads as below:-

"In other words, he cannot take advantage of the Scheduled Tribes Order any further or for any other constitutional purpose. Having regard to the passage of time, in the given circumstances, including interim orders passed by this Court in SLP (C) No. 16372 of 1985 and other related affairs, we make it clear that the admissions and appointments that have become final, shall remain unaffected by this Judgment."

3. However, in the communication at P.B., Pg. Nos. 20 and 21, the communication of Finance Department letter no. I y d k s 2013 @ i z d z

104@dlk'sAk iz Ak&2] dated 19/06/2017 and on P.B., Pg. No. 21, Government Circular dated 21/10/2015, the matters are related to this are mentioned. In this Government order specific order is given, which is below:-

^Ekk-eq[; e=h ; k; k v/; {Arq[Akyh fn- 7-8-2015 jksth gyck l ektP; k n"Vhdksukru] rRdkfyu ek-egl y e=h ; k; k v/; {Arq[Akyh ueyV; k e=hVkus l knj dsvV; k vgoxykl nHAKr 'AkI ukp i q-hy fu.Az; gkbi ; ir fn- 15-6-1995 rs fn- 15-10-2001 ; k dkyko/Ahr vuq fpr tekrtP; k i ek.Ai =kP; k vk/Akjs 'AkI u l or fu; q r >kyV; k T; k depk&; k pstr i ek.Ai = voSA BjysvkgfdoK T; kuh v | ki ; ir tkroSArk i ek.Ai = l knj dsvysulgh- v' Ak depk&; kauk 'AkI u l orru fuyicr dj.; kr ; m u; s vFAok R; k; k l ok l ektr dj.; kr ; m u; r vl k fu.Az ?As; kr vkyk*

4. It seems that show cause notice has not been given to the applicant. However, the Id. P.O. submits that the show cause notice is given to the applicant and he will place on record.

5. The Id. P.O. is directed to produce the copy of the show cause notice given to the applicant and also Government Resolution issued after the Hon'ble Apex Court Judgment related to the Tribal Community.

6. At the same time, the Id. P.O. and Id. Counsel for the applicant are directed to file on record lists of Scheduled Tribe as on today in the Maharashtra State. This information should be taken either from Tribal Development Department, Government of Maharashtra or Tribal Research and Training Institute, Pune.

7. **S.O. 21/02/2019.**

8. **Matter is treated as P.H.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 843/2015. (D.B.)

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

Dated : 30th January 2019.

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

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

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 536/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th January 2019.**

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. Counsel for the applicant submits that the applicant retirement benefits are held up and reply has been filed.

In view of this, O.A. is **admitted** and kept for final hearing.

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

S.O. 13/02/2019.

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 955/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 30th January 2019.

C.A.No.376/2018:-

Heard Shri V.B.Bhise, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent no. 2.

2. Issue fresh notice on C.A. to R-2 be issued returnable in **three weeks**.

3. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 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.

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. three weeks.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 954/2018. (D.B.)

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

Dated : 30th January 2019.

Shri S.U.Nemade, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

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

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 850/2018. (D.B.)

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

Dated : 30th January 2019.

Ms. D.Joshi holding for Smt. Sirpurkar,
the Id. Counsel for the applicant and Shri
A.P.Potnis, the Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two
weeks to file reply.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 793/2018. (D.B.)

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

Dated : 30th January 2019.

Ms. D.Joshi, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two weeks to file reply as a last chance.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.No. 195/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 30th January 2019.

Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. Counsel for the applicant pointed out that because of oversight he could not collect the notice. He requested for fresh notice.

3. Issue fresh notice to R-2, returnable on three weeks. Learned 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. three weeks.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)

O.A.Nos. 671 & 672/2018. (D.B.)

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

Dated : 30th January 2019.

Shri Manwatkar holding for Shri B.J.Lonare, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. two weeks.**

**Member(J)
Date:-30/01/2019.
aps.**

Member(A)

O.A.No. 772/2017. (D.B.)

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

Dated : 30th January 2019.

Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. Monday i.e. 04.02.2018.**

Member(J)
Date:-30/01/2019.
aps.

Member(A)