

O.A. No. 02/2018

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Heard Shri N.R. Saboo, the learned counsel for the applicant and Shri S.A. Deo, Ld. CPO with Shri H.K. Pande, the learned P.O. for respondent Nos. 1 & 2. None for R. 3 to 7.

1) Shri R.B. Khot, Joint Secretary, MPSC, Mumbai, 2) Shri V.R. Pawar, Dy. Secretary, MPSC, Mumbai and 3) Shri S.P. Bhongade, Law Officer, MPSC, Mumbai are present today before this Tribunal.

Their presence is dispensed with.

S.O. **four weeks** for filing additional affidavit at the request of Ld. P.O.

Member(A)

Vice-Chairman(J)

O.A. No. 846/2012

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Mrs. Nandini P. Thete, Adv.  
holding for Shri S. Borkar, the learned  
counsel for the applicant and Shri  
A.M. Ghogre, the learned P.O. for  
respondents.

S.O. **9.8.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 32/2016

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Mrs. Nandini P. Thete, Adv.  
holding for Shri S. Borkar, the learned  
counsel for the applicant and Shri  
A.M. Ghogre, the learned P.O. for  
respondents.

S.O. **two weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 807/2015

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Mrs. Nandini P. Thete, Adv. holding for Shri S. Borkar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for respondents.

**ADMIT.**

Shri P.N. Warjekar, the learned P.O. waives notice for respondents.

S.O. **in due course** for final hearing.

Member(A)

Vice-Chairman(J)

pdg.

**O.A. No. 278/2012**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for respondents.

**S.O. 13.8.2018.**

To be treated as part heard.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 123/2010

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

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

S.O. **10.8.2018.**

Member(A)

Vice-Chairman(J)

pdg.

**O.A. No. 22/2010**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Heard Shri S.K. Verma, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The learned counsel for the applicant submits that he wants to withdraw the O.A. and seeks permission for the same. Permission is granted and O.A. stands disposed of as withdrawn with no order as to costs.

Member(A)

Vice-Chairman(J)

**O.A. No. 69/2010**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Heard Shri N.R. Saboo, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

The learned counsel for the applicant submits that the rules have been framed and as the O.A. has become infructuous and, therefore, same may be disposed of. In view thereof, the O.A. stands disposed of as it has become infructuous, with no order as to costs.

Member(A)

Vice-Chairman(J)



O.A. No. 44/2010

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

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

S.O. **10.8.2018** at the request of Ld. counsel for the applicant.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 62/2010

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

Heard Shri V.V. Tiwari, Adv. holding  
for Shri S.V. Bhutada, the learned counsel  
for the applicant and Shri M.I. Khan, the Ld.  
P.O. the learned P.O. for respondents.

S.O. **10.8.2018** at the request of Ld.  
counsel for the applicant.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 614/2017

(D.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 8<sup>th</sup> August 2018.**

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. the learned P.O. for respondent 1 and 2. None for R.3.

Dr. Shesharao Kalusingh Jadha, Joint Director, Malaria and Filariasis, Pune is present before this Tribunal. His presence is dispensed with.

S.O. **two weeks** at the request of Ld. P.O. for filing additional affidavit.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 71/2010

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 8<sup>th</sup> August 2018.**

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

S.O. **10.8.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. 781/2016 (SB)

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

**Dated : 08.08.2018**

Heard Shri M.R. Khan, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

2. The learned counsel for the applicants submits that he will file affidavit giving clear dates as regards applicants' entitlement as passing of qualifying examination for time bound promotion and for that purpose he seeks time. At his request, **S.O. 13/08/2018**.

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

**Vice Chairman (J)**

dnk.

O.A. 615/2018 (SB)

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

**Dated : 08.08.2018**

Heard Shri I.N. Choudhari, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. The learned counsel for the applicant seeks permission to withdraw the O.A. Permission is granted as prayed for. In view of this, the O.A. stands disposed of as withdrawn with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 360/2017 (SB)

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

**Dated : 08.08.2018**

Heard Ms. Amruta M. Gupta, learned counsel holding for Shri P.B. Patil, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for R-1 to 6. None for R-7.

2. Vide impugned order dated 30/05/2017 (Annex-A-11) the applicant who is a Senior Clerk was transferred from Yavatmal to Khamgaon on administrative ground and the said transfer order was challenged only on the ground that the post of Senior Clerk was not available at Khamgaon. It is admitted fact that the applicant joined at Khamgaon on 02/04/2018 and since then he is working as Senior Clerk. The learned P.O. submits that the post of Senior Clerk was subsequently created at Khamgaon and the applicant is working on the said post of Senior Clerk. The learned counsel for the applicant therefore submits that nothing remains in this O.A. Hence, the following order :-

**ORDER**

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

**Vice Chairman (J)**

**Dated** :- 08/08/2018.

dnk.

O.A. 460/2017 **(SB)**

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



**Dated : 08.08.2018**

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

2. It appears from the record that the applicant's pension papers have already been sent to the Pay Verification Unit and necessary steps are being taken. In view thereof, the matter be kept in due course.

**Vice Chairman (J)**

dnk.

O.A. 376/2018 **(SB)**

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

**Dated : 08.08.2018**

There is a leave from the Shri S.P. Palshikar, Id. counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for the respondents.

**S.O. 13/08/2018.**

**Vice Chairman (J)**

dnk.

O.A.No.366/2018 (S.B.)

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

**Dated : 08.08.2018.**

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

The Id. Counsel for the applicant submits that notice is yet to be served. He further submits that he needs to file Civil Application for amending the O.A.

In view of this, the Id. Counsel for the applicant is directed to file Civil Application for amendment. **S.O. two weeks.**

**Member**

**(A)**

aps.

O.A.No.422/2018 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri K.Manwatkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State. Await service of respondent no. 2.

The Id. Counsel for the applicant submits that notice is yet to be served. At his request, **S.O. two weeks.**

Interim order dated 18/06/2018 in para no. 2 :-*The Id. Counsel for the applicant pointed out that impugned transfer order which is at P.B., Pg. No. 70 and the applicant name is at Sr. No. 19. The Id. counsel for the applicant admits that the applicant has completed his tenure and he had given choice posting at P.B., Pg. No. 67 (Annexure-A-3) in which the place for choice posting i.e. at Sr. No. 1 to 9 are still vacant. However, the applicant is posted to Sindevahi and the same is violating the G.R. dated 09/04/2018. In view of this, the*

*impugned order to the extent of applicant is stayed till next date of hearing.*

The above order is continued till next date of hearing.

**Member**

**(A)**

aps.

O.A.No.495/2018 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri S.C.Deshmukh, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondent nos. 1 to 3. Await service of respondent no. 4.

2. The Id. counsel for the applicant submits that fresh notices should be issued to respondent no. 4. At his request, issue fresh notice to respondent no. 4.

3. Issue fresh notice to R-4, returnable within two 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. two weeks.**

**Member**

**(A)**

aps.

O.A.No.519/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**

**Member (A)**

**Dated : 08.08.2018.**

Heard Shri P.D.Meghe, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. counsel for the applicant submits that rejection of representation has not been communicated to him. However, the Id. P.O. is directed to ensure that rejection of representation should be communicated to the Id. counsel for the applicant. **S.O. two weeks.**

**Member**

**(A)**

aps.

O.A.No.538/2017 (S.B.)



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

**Dated : 08.08.2018.**

Heard Shri N.C.Phadnis, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondent nos. 1 & 2. None for respondent no. 3.

The Id. P.O. has filed the affidavit-in-reply of respondent no. 1. The same is taken on record. Copy is served to the other side. He further submits that the affidavit-in-reply of respondent no. 2 is covered with the affidavit-in-reply of respondent no. 1.

At the request of Id. counsel for the applicant, **S.O. two weeks for filing Rejoinder.**

**Member**

**(A)**

aps.

O.A.No.799/2017 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri Chauhan 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. has filed the affidavit-in-reply of respondent nos. 1, 3 & 4. The same is taken on record. Copies are served to the other side. He further submits that the affidavit-in-reply of respondent no. 2 is not filed and he needs to take instruction from the Principal Secretary, Finance Department for the reply of respondent no. 2.

At the request of Id. P.O., **S.O. four weeks for filing Reply of respondent no. 2.**

**Member**

**(A)**

aps.

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

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

**Dated : 08.08.2018.**

Heard Shri N.D.Thombre, 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 of respondent no. 1. The same is taken on record. Copy is served to the other side.

The Id. counsel for the applicant submits that suspension order passed on P.B., Pg. No. 19 (Annexure-A-1) dated 30/10/2017, ~~foekpl&2017@izdz110@ldk@4c~~ and even in the reply today submitted by Id. P.O. i.e. silent about any specific reason or enquiry.

In view of this, matter will be heard after two weeks time. Meanwhile, the respondents are directed to communicate the specific reasons / the preliminary enquiry regarding charges and cause of suspension order.

Hence, the matter is **admitted** and kept for final hearing. **S.O. 16/08/2018.**

**Member**

**(A)**

aps.

O.A.No.229/2018 (S.B.)

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

**Dated : 08.08.2018.**

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. has filed Rejoinder. The same is taken on record. The same is supplied to the other side.

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

**S.O. 03/09/2018.**

**Member**

**(A)**

aps.

O.A.No.259/2018 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri A.P.Sadavarte, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondent nos. 1, 4 & 5. Shri G.S.Sengar holding for Shri H.D.Marathe, Id. counsel for the respondent nos. 2 & 3.

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

The interim relief granted on dated 20/04/2018 in para no. 2 - *vide impugned order dated 24/01/2018 and 09/04/2018, the respondents wants to recover the so called excess amount which was paid to the applicant due to wrong fixation of his pay. The said wrong fixation relates to the period from 1989 onwards. Admittedly, the applicant has retired on superannuation and the respondents wants to recover the amount from pensionary benefits. The said recovery vide impugned*

*communication is stayed till further orders. The Id. P.O. submits that the applicant has given undertaking at the time of pay fixation that if excess amount is paid to him than it will be recovered afterwards. However, the said point will be decided on merits.*

The above same para is continued till filing of reply.

**Member**

**(A)**

aps.

O.A.No.278/2018 (S.B.)

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

**Dated : 08.08.2018.**

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

The Id. P.O. submits that he has received parawise comment from the department. He seeks further two weeks time to file affidavit-in-reply. The Id. counsel for the applicant submits that the matter relates to the pensionary benefits and the applicant is already 62 years old. At the request of Id. P.O., **S.O. two weeks** as a last chance.

**Member**

**(A)**

aps.



O.A.No.336/2018 with C.A.No.212/2018 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri S.J.Kharbade, Id. Counsel for the applicant, Shri P.N.Warjurakar, Id. P.O. for the respondent nos. 1, 2 and Shri G.K.Bhusari, Id. counsel for respondent no. 3.

The Id. P.O. submits the affidavit-in-reply on behalf of the respondent no. 2, who is transferring authority. It is taken on record. Copies are served to the other sides.

As submitted by Id. counsel for the applicant allowed him to join at transfer post under protest.

Hence, the matter is **admitted** and kept for final hearing. At the request of Id. counsel for the applicant, **S.O. one week**. Liberty is granted to him to file Rejoinder, if any.

**C.A. No. 212/2018:-**

The Id. counsel for the applicant submits that he does not want to press this C.A.. Hence, the C.A. stands disposed off as not pressed.

**Member**

**(A)**

aps.

O.A.No.361/2018 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

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

*In order dated 06/06/2018 in para no. 2:- The Transferring Authority i.e. respondent no. 1 may consider the request made by the applicant and choices given by the applicant and his representation should be decided within 15 days from the date of receipt of this order. Till that time the impugned order of transfer dated 31/05/2018 (Annex-A-1) to the extent of applicant is stayed.*

*The above order dated 06/06/2018 is continued till next date of hearing.*

**Member**

**(A)**

aps.

O.A.No.368/2018 (S.B.)

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

**Dated : 08.08.2018.**

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

The Id. P.O. seeks one week time. At his  
request, **S.O. one week.**

*Interim relief is continued till next date  
of hearing.*

**Member**

**(A)**

aps.

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

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

**Dated : 08.08.2018.**

Heard Shri G.K.Bhusari, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. submits the affidavit-in-reply on behalf of the respondent nos. 1, 2 and 3. The same is taken on record. Copy is served to the other side.

Hence, the matter is **admitted** and kept for final hearing. **S.O. one week.**

**Member**

**(A)**

aps.

O.A.No.439/2018 (S.B.)

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

**Dated : 08.08.2018.**

Heard Shri A.P.Tathod, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. submits that he has received parawise comment from the department. He seeks further time to file affidavit-in-reply.

The Id. P.O. is directed to supply the copy of affidavit-in-reply in advance, so that the Id. counsel for the applicant can go through the same and file Rejoinder, if necessary.

**S.O. 16/08/2018.**

**Member**

**(A)**

aps.