

O.A. No. 591/2015. (S.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.**

Heard Shri A.N. Dighore, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No. 358/2009.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicants and Smt. M.A. Barabde, the learned P.O. for the respondents 1 to 3. None for R. 4 & 5.

The Ld. counsel for the applicant seeks time to file rejoinder.

S.O. **one week.**

Vice-Chairman(J)

pdg

O.A. No. 69/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 4. None for R.5.

The Ld. counsel for the applicant seeks time to file rejoinder.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 261/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.

Heard Shri P.J. Mehta, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. Shri B.D. Pandit, Adv. for R.4.

The Ld. counsel for R.4 submits that he has already filed reply affidavit on behalf of R.4. in the office. Copies of the same have been supplied to the other side. The Ld. counsel for the applicant submits that respondent Nos. 3 and 4 shall be directed to file a copy of online application which the respondent No.4 has submitted to the competent authority. Respondent Nos. 3 and 4 are, therefore, directed to place on record the copy of the application.

Put up before the regular D.B. when available.

Vice-Chairman(J)

pdg

O.A. No. 618/2014.

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

Dated : 20th July 2017.

C.A. 323/2016 in C.P.(St.) 1261/2016.

Heard Shri S.D. Zoting, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. Shri P. Kadu Adv. for R.4.

In pursuance of the order dated 13th July 2017, Shri Kiran Kulkarni, Chief Executive Officer, Zilla Parishad, Amravati has appeared today before this Tribunal and submitted that the office has tried its level best to comply with the order of this Tribunal. But 4 to 5 departments are involved in the compliance. He submit that the service book of the applicant has been traced out. He is directed to personally look into the matter and to coordinate with the concerned departments and to contact responsible officers and depute some special officer to see that the order is

complied with at the earliest and in any case within one month from today.

Additional affidavit is filed on behalf of R.4, it is taken on record and copies thereof are supplied to the other side.

Appearance of Shri Kiran Kulkarni, Chief Executive Officer, Zilla Parishad, Amravati is dispensed with.

S.O. 24th August 2017.

Vice-Chairman(J)

pdg

O.A. No. 843/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.

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

The Ld. counsel for the applicant submits that during the pendency of the proceedings, the applicant has been acquitted from the criminal charges and he has filed fresh representation for reconsidering his order of dismissal on the ground of his conviction. It is submitted that some another representation is also pending before the Hon'ble Governor of Maharashtra and in view of this, applicant wants to withdraw this O.A. He, therefore, seeks permission to withdraw the O.A. In view of the said submission, O.A. stands disposed of as withdrawn with no order as to costs.

Vice-Chairman(J)

pdg

O.A. No. 513/2015.

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

Dated : 20th July 2017.

M.C.A. 86/2016 in C.A.167/2016 in C.P.(St.) 702/2016.

Heard Shri V.A. Dhabe, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1. None for R.2.

At the request of the Ld. P.O., S.O. **two weeks** as a last chance.

Vice-Chairman(J)

pdg

O.A. No. 379/2014.

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

Dated : 20th July 2017.

C.A.119/2017 in C.P.(St.) 620/2017.

Shri Saket Mavsapurkar, Adv. holding for Shri N.S. Khadewale, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that he will collect the hamdast of notice today itself. In view of thereof, S.O. **four weeks** for return of notice.

Vice-Chairman(J)

pdg

O.A. No. 08/2015.

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

Dated : 20th July 2017.

C.A.271/2016 in C.P.(St.) 1055/2016.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1. Shri M.Z. Shekhani, Adv. for R.2.

S.O. **one week** for disposal.

Vice-Chairman(J)

pdg

O.A. No. 530/2013.

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

Dated : 20th July 2017.

C.A.126/2016 in C.P.(St.) 490/2016.

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

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

Vice-Chairman(J)

pdg

O.A. No. 860/2010.

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

Dated : 20th July 2017.

C.A.13/2016 in C.P.(St.) 47/2016.

Miss Yogita N. Thengre, Ld. counsel
for the applicant and Shri H.K. Pande, the
learned P.O. for the respondents 1 to 3.
Shri W.G. Paunikar, Adv.for R. 4 & 5.
None for R.6.

At the request of Ld. Adv. for R. 4
and 5, S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. Nos. 234, 517 and 518 of 2016

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

Dated : 20th July 2017.

R.A. Nos.06, 07 & 08 of 2017.

Heard Smt. S.V. Kolhe, Smt. M.A. Barabde and Shri P.N. Warjekar, the learned P.Os for the applicants (original respondents) and Shri G.G.Bade, the learned counsel for the respondent (original applicant).

The Ld. counsel for the applicant and the Ld. P.Os submit that there are other similar review petitions which are required to be tagged to this Review Petition.

Registrar of this Tribunal is directed to place all these matters tomorrow.

S.O. 21st July 2017.

Vice-Chairman(J)

O.A. No. 770/2015.

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

Dated : 20th July 2017.

C.A.261/2017 in C.P.(St.) 988/2017.

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

Ld. P.O. seeks time to file reply
affidavit of respondents.

S.O. **three weeks.**

Vice-Chairman(J)

pdg

O.A. No.386 /2016.

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

Dated : 20th July 2017.

C.A.109/2017 in C.P.(St.)568 /2017.

Heard Shri A.S. Chakotkar, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents

On the last date i.e. on 8.6.2017, a statement was made to the effect that the applicant has not submitted the bill and that he was not cooperating. The Ld. counsel for the applicant, however, has placed on record one communication dated 1.2.2016 which is marked "X" for identification, from which it seems that the bill was submitted long back by the applicant and it was pending with the Collector, Amravati. The Ld. P.O. seeks time to seek instructions from the Collector, Amravati and to make a statement in this regard.

S.O. **one week.**

Vice-Chairman(J)

pdg

O.A. No.106 /2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

Ld. P.O. has filed reply affidavit of R.3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No.2296/2016 (S.B.)

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

Dated : 20th July 2017.

C.A. 556/2016.

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. P.O. has filed reply affidavit of R.3. It is taken on record.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No.358/2017 (SB)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 20th July 2017.

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

The Ld. counsel for the applicant submits that he will file service affidavit in respect of R. 2 and 3. Ld. P.O. seeks four weeks' time for filing reply affidavit.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. 76/2016

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

Dated : 20.07.2017.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant came to be appointed on the post of Pharmacist and got retired superannuation on 30/11/2014. After retirement the respondent no.3 issued the impugned order whereby the amount of Rs. 2,27,623/- has been recovered from the applicant from the DCRG. It is stated that the said recovery is in view of the excess payment paid to the applicant due to wrong fixation of his pay from time to time. From the communication dated 7/1/2015, it seems that the period for which wrong pay fixation was done is in between 1/6/2006 to 30/11/2014. Admittedly, the applicant is a Class-III employee and the amount is being recovered from his retiral dues after his retirement. Such recovery is not permissible in view of recent Judgment delivered by the Hon'ble Apex Court in the case of **State of Punjab & Ors. Vs. Rafiq Masih (White Washer) & Ors., (2015) 4 SCC 334**. The

recovery is therefore is illegal. Hence, the following order :-

ORDER

The O.A. is allowed. The impugned order dated 7/1/2015 issued by respondent no.3 whereby the amount of Rs. 2,27,623/- has been recovered from the applicant is quashed and set aside. The respondent no.3 is directed to refund the said amount to the applicant within three months from the date of this order. No order as to costs.

Vice Chairman (J)

dnk.

O.A. 98/2017

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

Dated : 20.07.2017.

Shri R.V. Shiralkar, 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. 3/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A. 243/2017

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

Dated : 20.07.2017.

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

At the request of Id. counsel for the applicant, **S.O. 27/7/2017.**

Vice Chairman (J)

dnk.

O.A. 325/2017

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

Dated : 20.07.2017.

Shri A.V. Bhide, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri P.D. Meghe, Id. counsel for R-2.

Shri Meghe, Id. counsel files reply on behalf of R-2. It is taken on record. Copies are served on the applicant.

At the request of Id. counsel for the parties, **S.O. 27/7/2017.**

Vice Chairman (J)

dnk.

O.A. 332/2017

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

Dated : 20.07.2017.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 3/8/2017**
for filing reply.

Vice Chairman (J)

dnk.

O.A. 362/2017

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

Dated : 20.07.2017.

Shri Verma, Id. counsel for the applicant
and Shri A.M. Ghogre, Id. P.O. for the
respondents.

At the request of Id. counsel for the applicant, the matter be tagged along with O.A.317/2017.

S.O. 27/7/2017.

Vice Chairman (J)

dnk.

O.A. 379/2017

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

Dated : 20.07.2017.

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

The learned P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 406/2017

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

Dated : 20.07.2017.

Shri A.Z. Jibhkate, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

Learned P.O. files reply on behalf R- . it is taken on record. Copy is served on the applicant.

At the request of both the sides, **S.O.** **21/7/2017** for final hearing.

Vice Chairman (J)

dnk.

O.A. 653/2009

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

Dated : 20.07.2017.

Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

At the request of Id. counsel for the applicant, **S.O. 27/7/2017.**

Vice Chairman (J)

dnk.

O.A. 222/2013

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

Dated : 20.07.2017.

Shri S.P. Palshikar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

Ld. P.O. files reply of R-2. It is taken on record. Copy is served on the applicant. Id.

counsel for the applicant wants to go through the same. At his request, **S.O. 3/8/2017.**

Vice Chairman (J)

dnk.

O.A. 610/2013

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

Dated : 20.07.2017.

Shri Bharat Kulkarni, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 10/8/2017** for filing reply to the amended O.A.

Vice Chairman (J)

dnk.

O.A. 488/2016

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

Dated : 20.07.2017.

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

The matter has been admitted on 11/4/2017 and was posted on 22nd June,2017. On that date also nobody was appeared for the applicant. Today also nobody appeared for the applicant. Hence, the matter be kept for dismissal on **28/7/2017**.

Vice Chairman (J)

dnk.

O.A. 289/2016

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

Dated : 20.07.2017.

There is a leave note from Id. Counsel for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri D.M. Kale, Id. Counsel for R-4.

S.O. 3/8/2017.

Vice Chairman (J)

dnk.

O.A. 413/2017

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

Dated : 20.07.2017.

Heard Shri Bharat Kulkarni, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1 to 3. None for R-4.

2. The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

3. The learned P.O. has placed on record the communication dated 13/7/2017 (P-32) issued by Regional Dairy Development Officer, Nagpur along with the copy of representation filed by the applicant during the pendency of this O.A. From the representation dated 5/6/2017 which was filed during the pendency of the O.A., before passing interim order it seems that the applicant has requested that he shall be transferred either at Gondia or Kohmara or Nagbhid. The said representation has been considered favorably and respondent no.2 has got approval for his transfer at Nagbhid. However, in view of the order passed by this Tribunal, the said O.A. be kept in abeyance. The learned counsel for the

applicant submits that he will take instructions from the applicant whether to pursue in the O.A. or withdraw it.

S.O. 27/7/2017.

Vice Chairman (J)

dnk.

O.A. 840/2012

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 20.07.2017.

Shri A.M. Haque, Id. Counsel holding for Shri A.I. Sheikh, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. In this O.A. the applicant has challenged the impugned order dated 20/9/2012 whereby the application for grant of compassionate pension has been rejected. In the said letter there is a reference to one letter dated 26/7/2012 received from the Commissioner of Co-operative Societies (Audit), Pune to which the decision taken by the Government has been intimated. The said decision is required to be considered before passing any order in the O.A. The learned counsel submits that the applicant has not received such communication. The learned P.O. is therefore directed to place the said communication at reference sr.no.5 in the letter dated 20th September, 2012 before this Tribunal.

S.O. 3/8/2017.

Vice Chairman (J)

dnk.
O.A. 538/2016

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

Dated : 20.07.2017.

Heard Shri G.G. Bade, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. According to the applicants, they have been appointed as Multipurpose Health Workers by the respondents prior to 2000. They were appointment from time to time and in the year, 2000 they were appointed for two years. Thereafter in the year, 2003 the District Selection Committee regularized their appointments.

3. The respondent no.3 on 14/11/2013 forwarded a list of 167 employees who were treated as Bonded Multipurpose Health Workers for regularization to the Govt. In the said list names of the applicants have been shown.

4. The Govt. of Maharashtra has issued order dated 31/3/2015 whereby 155 Bonded Multipurpose Health Workers have been regularized. However, the names of the applicants have not been considered for regularization and hence this application.

5. The learned P.O. submits that the applicants were not Bonded Multipurpose Health Workers on date of submission of the proposal and in fact vide letter dated 14/11/2013 only information was supplied to the Government and the names were not recommended for regularization.

6. Perusal of the list along with letter dated 14/11/2013 shows that the names of all the present applicants have been included in the said list from sr.nos. 153 to 166 and in that list it has been mentioned that the applicants are working since 1989 also. Therefore it seems that the applicants are working in between 1990-2000. Vide order dated 31/3/2015, 155 Multipurpose

Health Workers have been regularized who worked during 1990-2002. It is however not stated as to why the names of the applicants have been excluded from the list. The respondent no.1 is therefore directed to file affidavit mentioning as to why and for what reason the names of the present applicants have not been considered for

regularization and why their names were deleted from the list of regularization.

S.O. 10/8/2017. (P.H.)

Vice Chairman (J)

dnk.

O.A. 530/2017

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

Dated : 20.07.2017.

Heard Shri V.T. Bhoskar, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has requested that the impugned order dated 17/7/2017 passed by the Director of Govt. Vidarbha Institute of Sciences and Humanities, Amravati (R/3) be quashed and set aside. According to the learned counsel for the applicant, the applicant is duly qualified Lecturer and has been duly appointed. Since last 10 years he has been working as a Head of the Department (HOD) of Political Science in the Institute of respondent no.3.

3. The Registrar and Returning Officer of Sant Gadbe Baba Amravati University has issued a Notification dated 5/7/2017 whereby it has been informed that the quinquennial elections are

proposed for three HODs from Colleges to Board of Studies under the provisions of Section (c) of sub section (2) of section 40 of the Maharashtra Public Universities Act,2016 r/w the uniform Statute no. 1/2017 and last date of submission of nomination is 20/7/2017. The impugned order has been passed whereby the charge of the post of HOD from the applicant has been taken away only with intention to debarred the applicant from participating in the said election and therefore the applicant is claiming interim relief.

4. The Id. CPO has taken objection to the O.A. on the ground that the matter is pertaining to the jurisdiction of University Tribunal and therefore this Tribunal has no jurisdiction to pass any interim order. He has also placed reliance on the Judgment reported in **2017(4) Mh.L.J.,56** in the case of **Mahatma Gandhi Mission Trust, Nanded & Ano. Vs. Dr. Manohar Balwant Pisolkar & Ors.**, The said petition was against reinstatement of appellant as HOD/ HOD of Medicine. It was observed that taking away charge of the HOD would not result in reduction in rank. It was also observed that the appointment of the HOD would not be appointment to the post and as such

taking away of the charge of the HOD would not result in reduction in rank.

5. The points raised by Id. counsel will have to be considered on merits for which the reply of the respondents will be necessary and therefore, I am not inclined to grant any interim relief at this stage as claimed by the applicant. Hence, Issue notice to R-2 and 3, returnable in **two weeks**. Learned C.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. **S.O. two weeks.**

dnk.

Vice Chairman (J)