

**O.A. (St.) No.1392 /2018 (D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 25<sup>th</sup> September 2018.**

**C.A. 219/2018 in C.A. 220/2018.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri A.P. Potnis, the learned P.O. for the respondent No.1.

For the reasons stated in the respective applications i.e. for condonation of delay and sue jointly, both the applications are allowed in the interest of justice and equity, subject to payment of requisite court fee to be deposited in the Registry of this Tribunal. CAs stand disposed of accordingly.

**O.A. (St.) No.1392 /2018**

Issue notice to respondent Nos. 2 to 5 returnable in **four weeks.**

2. Shri A.P. Potnis, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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 **seven 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. **four weeks.**

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.420/2018 (D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 25<sup>th</sup> September 2018.**

**C.A. 231/2018 in C.A. 232/2018.**

Heard Ms. S. Bhure, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.110/2018 (D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 25<sup>th</sup> September 2018.**

Heard Shri A.S. Nikose, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 4. None for R.5 & 6.

2. The Ld. counsel for the applicant submits that he will find out the address of respondent No.5 within a week and will issue fresh notice to R.5.

3. In view thereof, S.O. four weeks for return of notice of R.5.

4. Issue fresh notice to R.5 on the address that may be given by the applicant, returnable in **four weeks.**

5. Shri H.K. Pande, the learned P.O. waives notice for the respondents 1 to 4. Hamdast granted.

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 **seven 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. **four weeks.**

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.517/2018 (D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 25<sup>th</sup> September 2018.**

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

S.O. **three weeks** at the request  
of Ld. P.O.

Member(A) Vice-Chairman(J)

Dt. 25.9.2018

pdg.



O.A. No.733/2017

(D.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 25<sup>th</sup> September 2018.**

Heard Shri C.V. Khadse, the Ld. counsel for the applicant and Shri V.A. Kulklarni, the learned P.O. for the respondents 1 to 4. None for R.5.

Ld. P.O. has filed reply affidavit on behalf of R.4. It is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

S.O. **four weeks** for filing rejoinder by the applicant, if necessary.

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.410/2017 (D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 25<sup>th</sup> September 2018.**

Heard Shri V.R. Borkar, the Ld. counsel for the applicant and Shri H.H. Pande, the learned P.O. for respondent Nos. 1 to 3. None for R. 4 and 5.

**ADMIT.**

Shri H.H. Pande, the learned P.O. waives notice for respondent Nos. 1 to 3.

**S.O. 23.10.2018.**

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.93/20178 (D.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 25<sup>th</sup> September 2018.**

Shri C.V. Khadse, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

S.O. **26.9.2018** as a last chance.

Member(A) Vice-Chairman(J)

Dt. 25.9.2018

pdg.

O.A. No.180/2018

(D.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 25<sup>th</sup> September 2018.**

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

**ADMIT.**

Shri A.M. Khadatkar, the learned P.O. waives notice for respondents.

S.O. **next week** for final hearing.

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.738/2018**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 25<sup>th</sup> September 2018.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Issue notice to R. 2 to 4 returnable by **28.9.2018.**

3. Shri S.A. Deo, the learned C.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 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 **seven 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. At the request of Ld. CPO, S.O. **28.9.2018.**

Member(A) Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.51/2017**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 25<sup>th</sup> September 2018.**

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

2. In this O.A., the applicant has claimed that the charge-sheet dated 22.3.2016 issued against him be quashed and set aside, since the same is in contravention of the provisions of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and MCS Rules of 1981. Reply has already been filed in this O.A. The Ld. P.O. has placed on record a copy of order dated 7.9.2018 which is marked "X" for identification , from which it seems that the departmental enquiry against the

applicant has come to an end and following order has been passed in the said departmental enquiry:-

“प्रस्तुत प्रकरणी नगर विकास विभाग शासन आदेश क्र. विचौप्र- २८१६/१५१/प्र.क्र.३०/नवी-२७,दि. २२.३.२०१६ अन्वये श्री. प्र. ना. गावंडे, नगर रचनाकार यांच्याविरुद्ध प्रकरण क्र. १ ते ११ बाबत लावण्यात आलेले दोषारोप मागे घाण्यात येत आहे.

०२. श्री. गावंडे यांनी प्रकरण क्र. १२ निकाली काढण्यास ०२ दिवसांचा विलंब केलेला आहे. भविष्यात अशा प्रकारची पुनरावृत्ती होऊ नये, याकरिता महसूल व वन विभाग, शासन निर्णय क्र. एनएपी- २०१५/प्र. क्र. २८/टी-१, दि. ३१.३.२०१५ मधील परिच्छेद-३ (xi) मधील तरतुदीनुसार त्यांना ताकीद देण्यात येत आहे.

०३. सदरचे आदेश विभागीय चौकशी नियम पुस्तिका चौथी आवृत्ती, १९९१



मधील परिस्छेद क्र. ३.१४ (१) (अ) व  
महाराष्ट्र नागरी सेवा (शिस्त व अपील)  
नियम, १९७९ मधील नियम ८ च्या पोट  
नियम (३) (अ) मधील तरतुदीनुसार  
निर्गमित करण्यात येत आहेत."

3. The learned counsel for the applicant submits that the applicant is satisfied with the said decision taken by the Govt. and, therefore, very purpose of this O.A. has been served. In view thereof, O.A. stands disposed of with no order as to costs.

Member(A)

Vice-Chairman(J)

Dt. 25.9.2018

pdg.

**O.A. No.685/2017**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 25<sup>th</sup> September 2018.**

**ORAL ORDER**

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

2. The applicant is claiming declaration that he is qualified and eligible for promotion to the post of Assistant Director of Town Planning, Grade-A and also requested that the order dated 26.7.2017 (Annexure A-10) be quashed and set aside and directions be issued to respondent Nos. 1 to 3 to promote the applicant to the post of Assistant Director of Town Planning, Grade-A. Reply affidavit

has been filed by learned P.O., wherefrom it seems that the respondents are justifiing in not awarding promotion to the applicant on the ground that the departmental enquiry was pending against him. The learned P.O. was directed to place on record the minutes of DPC meeting in which the applicant's claim for promotion was considered. Accordingly, the learned P.O. has placed on record the minutes of meeting of DPC alongwith a letter dated 9.9.2016. The said minutes are marked as "X" for identification.

3. We have perused the minutes of meeting of DPC dated 9.9.2016 from which it seems that the applicant's case was considered for promotion and he was found fit for promotion.

However, a conscious decision was taken not to promote the applicant, since the departmental enquiry was pending against him. The learned P.O. has placed on record a copy of order dated 7.9.2018 from which it seems that the departmental enquiry against the applicant has been completed and following decision has been taken by the Government:-

“प्रस्तुत प्रकरणी नगर विकास विभाग शासन आदेश क्र. विचौप्र-

२८१६/१५१/प्र.क्र.३०/नवी-

२७,दि. २२.३.२०१६ अन्वये

श्री. प्र. ना. गावंडे, नगर

रचनाकार यांच्याविरुद्ध

प्रकरण क्र. १ ते ११ बाबत

लावण्यात आलेले दोषारोप

मागे घाण्यात येत आहे.

०२. श्री. गावंडे यांनी प्रकरण

क्र. १२ निकाली काढण्यास

०२ दिवसांचा विलंब केलेला

आहे. भविष्यात अशा प्रकारची पुनरावृत्ती होऊ नये, याकरिता महसूल व वन विभाग, शासन निर्णय क्र. एनएपी-२०१५/प्र. क्र. २८/टी-१, दि. ३१.३.२०१५ मधील परिच्छेद-३ (xi) मधील तरतुदीनुसार त्यांना ताकीद देण्यात येत आहे.

०३. सदरचे आदेश विभागीय चौकशी नियम पुस्तिका चौथी आवृत्ती, १९९१ मधील परिच्छेद क्र. ३.१४ (१) (अ) व महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ मधील नियम ८ च्या पोट नियम (३) (अ) मधील तरतुदीनुसार निर्गमित करण्यात येत आहेत."

4. A copy of G.R. dated 7.9.2018 is placed on record and marked "X" for identification, from which it seems that a decision is taken in the departmental enquiry. Since the applicant now has been exonerated

from most of the major charges in the departmental enquiry, there is no problem for the D.P.C. to consider the case of the applicant for promotion, in view of this subsequent development. In view thereof, application stands disposed of with directions to respondent Nos. 1 to 3 to convey the meeting of D.P.C. for considering the promotion of the applicant to the post of Assistant Director of Town Planning, Grade-A in view of order passed in the departmental enquiry by the Government as foresaid as per its own merits. A decision shall be taken in the matter within a period of three months from the date of this order and shall be communicated to the applicant in writing. O.A. stands disposed of with no order as to costs.

Member(A)

Vice-Chairman(J)

**Dt. 25.9.2018**

pdg.

O.A. No. 336/2018 **(SB)**

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

**Dated : 25.09.2018**

The applicant in person present.

Shri A.P. Potnis, Id. P.O. for R-1&2  
and Shri D.M. Kakani, Id. counsel for R-3.

At the request of applicant in person,

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. No. 92/2016 **(SB)**  
With C.A.552/2017



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

**Dated : 25.09.2018**

Shri P.S. Gawai, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-2&3 and Shri V.B. Bhise, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for R-1.

At the request of Id. counsel for R-1, **S.O. 01/10/2018**.

**Vice Chairman (J)**

dnk.

O.A. No. 369/2018 **(SB)**

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

**Dated : 25.09.2018**

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

2. Yesterday when the matter came up for hearing, the learned counsel for the applicant seeks time to take instructions as to whether Shri Naresh Pandurang Pawar and others shall be made party or not. The learned counsel for the applicant submits that the client was earlier not reluctant to join these persons as party to the application and therefore they were not made party. From the averments in the application, it seems that the applicant is making allegations of malafide against Shri Pawar. It seems in the reply-affidavit also which is filed on 25/06/2018 the respondent no.2 has raised this point regarding non joinder of Shri Pawar. It is however stated that Shri Pawar was not earlier joined as party since the applicant was not ready. Admittedly, Shri Pawar is not the Transferring Authority though on his recommendation the applicant has been transferred. The order in challenge, is the order of transfer and considering these circumstances, there is no need to join Shri Pawar as party at this juncture. Since the matter is fixed for final hearing and it is part heard, it will be heard on merits today itself. The respondent no.2

has already filed additional affidavit and the matter is already heard on merits with the consent of both the sides and hence it is closed for orders.

**Vice Chairman (J)**

dnk.

Dated – 25/09/2018.

O.A. No. 771/2017 **(SB)**

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

**Dated : 25.09.2018**

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

2. The learned counsel for the applicant admits that the prayer clause nos. 8.1 and

8.2 have become infructuous. In view of the fact that the respondents have already withdrawn the advertisement dated 25/09/2017. The only claim remains is under clause nos. 8.3 and 8.4 which is as under :-

*“(8.3) Direct the respondents to continue the services of the applicant on the post of Assistant Professor in the Department of Dentistry in the respondent no.3, Government Medical College, Gondia till appointment of a regularly selected candidate.*

*(8.4) Direct the respondents not to substitute the services of the applicant on the post of Assistant Professor in the Department of Dentistry in the respondent no.3, Government Medical College, Gondia with any other ad-hoc candidate including the respondent no.4.”*

3. The additional affidavit is filed by respondent no.3, the Dean, Government Medical College, Gondia today. The same is taken on record. In para no.4 of the said affidavit it has been stated as under:-

*“(4) It is not disputed that the respondent no.3 has issued an advertisement for filling up the post of Assistant Professor in the Department of Dentistry.”*

4. In view of the aforesaid affidavit, since the respondents are ready to appoint the applicant subject to technical breaks as mentioned in para no.4 till regular candidate through MPSC is made available, nothing survives in this O.A. The O.A. therefore stands disposed accordingly with no order as to costs.

**Vice Chairman (J)**

dnk.

Dated :- 25/09/2018.

O.A. No. 442/2018 **(SB)**

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

**Dated : 25.09.2018**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant is a Forester and has been transferred from Hingna to Kavadas and in his place the respondent no.4, Shri A.W. Sheikh has been posted. Admittedly, Shri A.W. Sheikh has not yet joined in place of applicant. The learned counsel for the applicant submits that the applicant still continues at Hingna.

3. The learned counsel for the applicant submits that the impugned order dated 15/06/2018 is mid tenure since it is not passed in the month of April/May. However, from the order it seems that in all 22 persons have been transferred and that seems to be annual general transfer.

4. The learned counsel for the applicant also placed reliance on the G.R. dated 09/04/2018 issued by the Government whereby guidelines have been issued to the Transferring Authorities to take into consideration the choice of the employees for 10 posts in preference and also to call the employees for counseling. Admittedly, none of these guidelines have been followed by the respondent authorities for the best reasons known to it.

5. The learned counsel for the applicant has also invited my attention to representation made by the applicant on 19/04/2018 (Annex-A-5,P-46) from which it seems that he has claimed extension or to transfer him to Gorewada Project, Nagpur considering his medical problems since he has undergone Angioplasty. This was also not considered by the competent authority. Considering this fact, the learned counsel for the applicant submits that the respondents be directed to consider his representation with a proper perspective and the

application can be disposed of accordingly. The learned counsel for the applicant submits that he be given an opportunity to file fresh representation giving other options also. In view thereof, the following order :-

### **ORDER**

(i) The respondent no.2 is directed to take into consideration the representation filed by the applicant on 19/04/2018 (Annex-A-5,P-46).

(ii) The applicant will be at liberty to file fresh representation within one week. The respondent no.2 shall consider such representations within one month from the date of receipt of the representation and shall take appropriate action accordingly and shall also give opportunity of personal hearing to the applicant. A decision in this regard shall be taken within four weeks from the date of receipt of the representation and shall be communicated to the applicant in writing. In the meantime, the respondents are directed to continue the applicant in case he is not relieved from the post.

(iii) The O.A. stands disposed of accordingly with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. No. 443/2018 (SB)

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

**Dated : 25.09.2018**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant is a Forester and has been transferred from Ramtek to Pardsinga and in his place the respondent no.4, Shri S.D. Gadlinge has been posted.

3. The learned counsel for the applicant submits that the impugned order dated 15/06/2018 is mid tenure since it is not passed in the month of April/May. However, from the order it seems that in all 22 persons have been transferred and that seems to be annual general transfer.

4. The learned counsel for the applicant also placed reliance on the G.R. dated 09/04/2018 issued by the Government whereby guidelines have been issued to the Transferring Authorities to take into consideration the choice of the employees for 10 posts in preference and also to call the employees for counseling. Admittedly, none of these guidelines have been followed



by the respondent authorities for the best reasons known to it.

5. The learned counsel for the applicant has also invited my attention to representation made by the applicant on 20/03/2018 (Annex-A-3,P-33) from which it seems that he has sought one year extension on the ground that his wife is heart patient and he has to take her frequently at Nagpur for medical treatment. This was also not considered by the competent authority. Considering this fact, the learned counsel for the applicant submits that the respondents be directed to consider his representation with a proper perspective and the application can be disposed of accordingly. The learned counsel for the applicant submits that he be given an opportunity to file fresh representation giving other options also. In view thereof, the following order :-

### **ORDER**

(i) The respondent no.2 is directed to take into consideration the representation filed by the applicant on 20/03/2018 (Annex-A-3,P-33).

(ii) The applicant will be at liberty to file fresh representation within one week. The respondent no.2 shall consider such representations within one month from the date of receipt of the representation and shall take appropriate action accordingly and shall also give opportunity of personal hearing to the applicant. A decision in this regard shall be taken within four weeks from the date of receipt of the representation and shall be communicated to the applicant in writing.

(iii) The O.A. stands disposed of accordingly with no order as to costs.

**Vice Chairman (J)**

dnk.

**(SB)**

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

**Dated : 25.09.2018**

**O.A.Nos. 182, 166,167,168, 169,170,171, 172, 173,174,175,176,177,178,179, 180,181,210,211, 212,213,214,227,228,229,230,231,232,233,234, 235,236,237,238,239,347,348, 349,350,351, 463, 464,483,484,485,741,742,743,744,745,746,747, 748,749,750,751,752,753,831, 857,858,882 & 902 of 2017.**

**COMMON ORDER -**

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. In all these O.As. the applicants are claiming directions to the respondents to implement the G.R. dated 1/4/2010 and after completion of 24 years of service to grant them second time bound promotional pay scale benefit as per revised Assured Progression Scheme dated 1/4/2010.

3. In all the O.As. the reply-affidavit have already been filed. Today, the learned P.O. has placed on record the Pursis in O.A. 182/2017 along with connected matters which is marked Exh-X for the purposes of convenience along with two orders dated 27/07/2018 which are marked Exh-X1 and X2 respectively and two orders dated 21/04/2018 which are marked Exh-X3 and Exh-X4 respectively and the list which is marked Exh-X5. From these documents it seems that the Government has taken decision to implement the G.R. in respect of 63 applicants. Out of these 63 applicants, benefit has already been granted to 39 applicants. The learned P.O. submits that the respondent no.3 will pass necessary orders in respect of remaining 24 applicants within six weeks.

4. In view thereof, it seems that the relief claimed by the applicants is being

partly redressed and it will be redressed fully within coming six weeks. In view thereof, the following order :-

**ORDER**

The O.A. nos.166,168,169,175, 178,211,213,231,234,237,239,347,348, 351,463,484,485,748,750,752,753,831, 858,882 of 2017 stands disposed of with the following directions :-

(i) The respondent no.3 is directed to implement the G.R. dated 1/4/2010 in

respect of remaining 24 applicants within six weeks from today.

(ii) The O.A. Nos. 167,170,171, 172,173,174,176,177,179,180,182,227, 228,181,229,230,232,233,235,236,238, 349,350,210,212,214,464,483,741,742, 743,744,745,746,747,749,751,857 and 902 of 2017 in respect of 39 applicants who have already been granted the benefit in view of implementation of the G.R. vide various orders already stated stood disposed of accordingly.

(iii) No order as to costs.

**Vice Chairman (J)**

dnk.

Dated :- 25/09/2016

Rev.A.05/18 in O.A. No.  
117/17 **(SB)**

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

**Dated : 25.09.2018**

Heard A.K. Waghmare, Id. counsel  
for the applicant and Shri M.I. Khan, Id. P.O.  
for the respondents.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

**O.A.No.226/2017 (S.B.)**

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

**Dated : 25.09.2018.**

**C.A.No.110/2017:-**

Leave note of Id. counsel for the applicant. Shri S.A.Sainis, Id. P.O. for the respondent nos. 1 & 2 and Shri A.M.Kukday, the Id. counsel for the respondent nos. 3 & 4.

The matter is **admitted** and kept for final hearing. **S.O. two weeks.**

*C.A. No.110/2017 will be heard on merit  
at the time of final hearing.*

**Member**

**(A)**

aps.

**O.A.No.486/2017 (S.B.)**

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

**Dated : 25.09.2018.**

Shri Marathe holding for Smt. T.D.Khade, the Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

The Id. P.O. requested time to file reply on behalf of the respondent nos. 1 and 3. At his request, **S.O. three weeks for filing reply.**

**Member**

**(A)**

aps.

**O.A.No.566/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

As agreed by Id. C.P.O. as well as Id. Counsel for the applicant, the matter will be heard on board at Sr. No. 1 tomorrow. **S.O. tomorrow i.e. 26/09/2018.**

In order dated 27/07/2018 in para no. 2:-*As pointed out by Id. counsel for the applicant in order dated 13/06/2018 on P.B., Pg. No. 64 (Annexure-A-5) in para no. 7, an appeal has been provided for 45 days which will come to an end on tomorrow i.e. 28/07/2018. However, Government has issued order dated 09/07/2018 on P.B. Pg. No. 15 (Annexure-A-1). The Id. counsel for the applicant pleads to stay the order dated 09/07/2018.*



*The same order is continued till next  
date of hearing.*

**Member**

**(A)**

aps.

**O.A.No.897/2017 (S.B.)**

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

**Dated : 25.09.2018.**

Leave note for the Id. counsel for the applicant. Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. P.O. submits that he requires two weeks time to file reply. **S.O. two weeks.**

*The Id. counsel for the applicant submits that the amount of Rs. 10,901/- is being recovered from the pension of the applicant from June 2017 and the said recovery is illegal and arbitrary. Such recovery is stayed till filing of reply.*

*The above stay order is continued till next date of hearing.*

**Member**

**(A)**

aps.

**O.A.No.11/2018 (S.B.)**

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

**Dated : 25.09.2018.**

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

The Id. counsel for the applicant submits that he requires two weeks time to file service affidavit. **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.A.No.196/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 & 2. Leave note of respondent nos. 3 & 4.

The Id. P.O. submitted that affidavit-in-reply of respondent nos. 1 and 2 are awaited and it is not necessary. However, it is felt that being Chairman of the committee i.e. reply of respondent no. 2 is necessary. The Id. P.O. is directed to file the reply of respondent no. 2. The Id. P.O. submits that the reply of respondent no. 2 is not mandatory.

So, it is observed that if in absence of reply of respondent no. 2 any order is passed, then the Id. P.O. will have no grudge.

**S.O. two weeks.**

**Member**

**(A)**

aps.

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

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

**Dated : 25.09.2018.**

Shri D.M.Surjuse, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondent nos. 1 & 2. Await service of respondent no. 3.

The Id. counsel for the applicant submits that notice of respondent no. 3 is awaited. He requires more time to file service affidavit. At his request, **S.O. two weeks.**

**Member**

**(A)**

aps.



last chance, one week time is given to file  
reply, if reply is not filed till next hearing, the  
matter will be heard on merit, **S.O.**  
**05/10/2018.**

**Member**

**(A)**

aps.



**O.A.No.443/2017 (S.B.)**

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

**Dated : 25.09.2018.**

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He also submits that the same is sufficient.

As requested by the Id. counsel and Id. P.O., the matter is **admitted** and kept for final hearing. The Id. P.O. waives notices for all the respondents.

**S.O. three weeks.**

**Member**

**(A)**

aps.

**O.A.No.714/2017 (S.B.)**

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

**Dated : 25.09.2018.**

Shri N.S.Ingle holding for Shri P.S.Wathore, the Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of all the respondents. It is taken on record. Copy is served to the other side.

Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.

**S.O. two weeks for Rejoinder.**

**Member**

**(A)**

aps.

**O.A.No.977/2017 (S.B.)**

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

**Dated : 25.09.2018.**

Smt. Saboo, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

The matter is **admitted** and kept for final hearing. The Id. P.O. waives notices for the respondents.

Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.

**S.O. two weeks for Rejoinder.**

**Member**

**(A)**

aps.

**O.A.No.19/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri Bharat Kulkarni, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondent nos.1 & 2. None for respondent no. 3.

The Id. P.O. files reply on behalf of respondent no. 2. It is taken on record. Copy is served to the other side.

The Id. P.O. submits that reply of respondent no. 1 is not required. Since the respondent no. 2 has recommended the name of applicant as well as respondent no. 3 and the reply of respondent no. 3 has been filed. The Id. counsel for the applicant required to file Rejoinder on reply of respondent no. 2.

The matter is **admitted** and kept for final hearing. The Id. P.O. waives notices for the respondents.

**S.O. three weeks for Rejoinder.**

**Member**

**(A)**

aps.

**O.A.No.295/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri D.P.Dapurkar, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of respondent no. 2. It is taken on record. Copy is served to the other side.

The matter is **admitted** and kept for final hearing. The Id. P.O. waives notices for the respondents.

**S.O. three weeks for Rejoinder, if  
any.**

**Member**

**(A)**

aps.

**O.A.No.480/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri P.V.Thakre, the Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. has submitted letter no. ftfgvuk@l; kf; d@ @2018 dated 25/09/2018. Copy of same is taken on record. The same is supplied to the other side.

By this order, it is submitted that G.I.S. has been paid on 03/02/2018 by R.T.G.S., leave encashment has been paid on 23/01/2018 by R.T.G.S..

As submitted by the Id. counsel for the applicant, the applicant is retired on 31/12/2017 and proposal has been submitted to the Principal Secretary, Public Health Department on 03/08/2018. Already eight months delay is seen while submitting the proposal. Since, the applicant is a retired

person, the Principal Secretary, Public Health Department is directed to communicate the order of the Government **within six weeks** from the date of this order with reference to the proposal submitted by Director, Health Services, Mumbai letter no. U; ki eG vt l 645@ 2012@Jh-esJke@kne@d{&18@ @2018] dated 03/08/2018.

**S.O. three weeks.**

**Steno copy is granted.**

**Member**

**(A)**

aps.



**O.A.No.583/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Smt. S.S.Chaudhari holding for Shri H.D.Dangre, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

The Id. C.P.O. seeks four weeks time to file Reply. At his request, **S.O. four weeks.**

**Member**

**(A)**

aps.

**O.A.No.589/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that the applicant and respondent no. 3 are at their respective places, as per the order dated 02/08/2018 of this Tribunal.

**S.O. four weeks.**

*In order dated 02/08/2018 status quo was granted and the same is continued till next date of hearing.*

**Member**

**(A)**

aps.

**O.A.No.636, 637 & 638/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri G.K.Bhusari holding for Shri Sudame, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

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

**Member**

**(A)**

aps.

**O.A.No.329/2018 (S.B.)**

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

**Dated : 25.09.2018.**

Shri P.A.Kadu, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

Since, the affidavit-in-reply has been already filed. The matter is **admitted** and kept for final hearing. **S.O. two weeks for Rejoinder, if any.**

**Member**

**(A)**

aps.

