

O.A. No. 149/2017.

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 26th October 2018.**

Shri M.V.Mohokar, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 to 5.

The Id. counsel for the applicant submits that the respondent no. 5 has filed reply in the office. If it is filed, the same may be taken on record and its copy be supplied to the Id. counsel for the applicant.

At the request of Id. P.O., **S.O. one week to file reply to the amended O.A.**

Member(A)

Vice-Chairman(J)

aps.

O.A. No. 687/2016.

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 26th October 2018.

C.P.No.40/2017:-

None for the applicant. Heard Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3 and Shri Sharadchandra A. Patil, the respondent no. 4, in person.

Nobody appeared for the applicant on 25/10/2018 as well as today. Vide order dated 19/07/2018 in the O.A. 687/2016, it was directed that interest shall be paid within one month from the date of this order and inspite of such directions, the said order was not complied. Hence it was decided to initiate contempt proceedings against the respondent no. 4. In spite of specific directions, the respondent no. 4 didn't appear on earlier dates. As per undertaking given by the Id. P.O. on 25/10/2018, the respondent no. 4 appeared and submitted unconditional apology. The respondent no. 4 had filed the affidavit on 12/07/2018 and submits that he has already deposited the interest amount of Rs. 2,23,850/- vide cheque of State Bank of

India, copy of the same is also placed on record at P.B., Pg. No. 115 and the same is marked Exh. "X" for the purpose of identification. It is therefore, clear that the order has been complied with though late, that seems to be the reason as to why the counsel is not appearing in the matter from the last two dates.

In view of this, the contempt proceedings is dropped and C.P. 40/2017 in O.A.687/2016 is disposed of accordingly with no order as to costs.

Member(A)

Vice-Chairman(J)

Date:-26/10/2018

aps.

O.A. No. 501/2011.

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)

Dated : 26th October 2018.

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

Yesterday, the Id. counsel for the applicant was present and on his request the matter has been kept today.

In this O.A., the applicant is claiming directions to respondent no. 2, the Additional Commissioner, Tribal Development Department, Nagpur to appoint the applicant on the post of Shikshan Sevak from Project Affected Persons from O.B.C. Category as per the provisions of Government Resolution dated 27/10/2009 bearing no. U; k; i&1009@i z d z 202@09@16&v in pursuance of the advertisement dated 26/09/2008 issued by the respondent no. 2, the Additional Commissioner, Department of Tribal Development in the Government Junior College within the Jurisdiction of respondent no. 2 i.e. Additional Commissioner, Department of Tribal Development, Nagpur.

The reply was also filed on behalf of the respondent no. 2. Thereafter Rejoinder is also filed. Today, the Id. P.O. placed on record the order dated 18/07/2013, from which it seems that the applicant has been appointed to the post which she is claiming and the same is marked Exh. "X" for the purpose of identification. It is stated that the applicant has joined the post in pursuance of the order dated 18/07/2013.

In view of this, nothing survives in the O.A. Since, the grievances of the applicant are redressed. **The, O.A. stands disposed of with no order as to costs.**

Member(A)

Vice-Chairman(J)

aps.

O.A. No. 714/2011.

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 26th October 2018.

Heard Shri U.N.Vyas, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

From the admitted facts on the record it seems that, the applicant participated in the recruitment process for the post of Police Constable in pursuance of the advertisement dated 03/01/2010. The applicant Nos. 1, 2 & 3 are kept in wait list at Sr. Nos. 1 & 2 from Open Categories whereas the applicant no. 3 was kept under O.B.C. category. The Id. counsel for the applicant submits that, the respondent issued one circular dated 16/01/2010, wherein it was mentioned that wait list shall be valid for six months from the date of publication.

From the reply affidavit filed on record, it seems that total 157 posts were to be filled in and the orders were issued for of 157 candidates, but 07 candidates didn't show their willingness. Therefore, 07 posts remained vacant. Had the 07 posts been filled

in from the wait list; the applicant nos. 1 & 2 must have been appointed. It is further stated that the applicant no. 3 was subsequently appointed under new recruitment process. From the reply-affidavit, it seems that the wait listed candidates could not be appointed due to some correspondence in this regard between respondent nos. 2 and 3 for which the applicant cannot be said to be responsible. However, it is also true that mere selection cannot give right to the applicant.

In such circumstances, the applicant is directed to make a statement on affidavit as to whether the applicant nos. 1 and 2 participated in the subsequent recruitment process for the post of Police Constable and if yes, when and where they were selected or not? Secondly, the respondents shall also file affidavit stating as to how many recruitment processes had taken place after 2010 and whether the post under advertisement no. 31/2010 remained vacant due to non appointment of candidates from waitlist? Affidavit shall be filed within two weeks.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

aps.

O.A. No. 885/2012.

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 26th October 2018.

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

It seems from the last so many dates that nobody appeared for the applicant. Therefore, the matter was kept for dismissal today. Today also, nobody appeared for the applicant.

The applicant in this O.A. has prayed that the communication dated 04/07/2008 issued by respondent no. 3, whereby his application for voluntary retirement has been accepted, be quashed and set aside.

From the record it seems that, the applicant was working as a Telephone Operator and has completed 26 yrs. of service and, therefore, vide letter dated 21/04/2008 (Annexure-A-2), he applied for voluntary retirement. The said communication was accepted by the respondent authority vide communication dated 17/07/2018. Accordingly, the applicant has received the

communication and before receiving the said communication he applied for cancellation of notice for voluntary retirement vide communication dated 17/07/2008 (Annexure-A-4). However, in the meantime, the applicant has received the communication dated 04/07/2008, wherein it was stated that since the application for voluntary retirement dated 21/04/2008 has already been accepted 15 days prior to 04/07/2008, his request for withdrawal of the application for voluntary retirement cannot be accepted and this communication dated 04/07/2008 is under challenge in this O.A.

From the record, it seems that the application for voluntary retirement was given on 21/04/2008 and the same was accepted. The applicant on 17/07/2008 has filed an application for withdrawal of the said communication. Till that time, the application for voluntary retirement was already accepted and the applicant was already relieved. There is nothing on the record to show that, the application for withdrawal of the application for voluntary retirement was received by the respondent's authority prior to its acceptance. From the communication dated 04/07/2008, it seems that the application for withdrawal of the application

for voluntary retirement is dated 20/07/2008 and it was received on 01/09/2008. Thus, in any case there is no evidence on record to show that application for withdrawal of the application for voluntary retirement was received by the department within notice period.

Rule 66 (5) of the Maharashtra Civil Services (Pension) Rules, 1982 is as under:-

A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement.

Since, the request for voluntary retirement was already accepted and the respondents did not receive such application

for withdrawal of such request in statutory time, the same has been rightly rejected.

We do not find any illegality in the impugned communication. Hence, the O.A. stands dismissed with no order as to costs.

Member(A)

Vice-Chairman(J)

Date:-26/10/2018

aps.

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

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned to 30.10.2018.

Member

(J)

(sgj)

O.As. No.933 & 934/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after four weeks.

Member

(J)

(sgj)

O.As. No.59 & 60/2017 & 444/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Smt. N.K. Saboo, the Ld. counsel for the applicants and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicants adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.349/2015 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

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

2. At the request of Ld. Advocate for the applicant adjourned to 2.11.2018.

Member

(J)

(sgj)

O.A. No.138/2015 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA No.442/16 in Rev. St.1772/16

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

2. At the request of Ld. Advocate for the applicant adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.27/2016 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.102/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA No.499/17

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. Issue notice on CA returnable on four weeks.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks.**

Member

(J)

(sgj)

O.A. No.120/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA No.60/17

Shri A.P. Tathod, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after three weeks for filing amendment application.

Member

(J)

(sgj)

O.A. No.271/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri I.G. Meshram, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after three weeks.

Member

(J)

(sgj)

O.A. No.373/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri A.D. Girdekar, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.501/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri S.R. Charpe, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after three weeks.

Member

(J)

(sgj)

O.A. No.701/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri H.D. Dangre, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.833/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri R.M. Mardikar, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. Ld. PO files reply and the same is taken on record.

3. At the request of Ld. Advocate for the applicant adjourned after three weeks.

Member

(J)

(sgj)

O.A. No.16/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

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

2. Ld. PO files reply and the same is taken on record.
3. Admit. To come up for final hearing after five weeks.
4. Ld. PO waives notice for the respondents.

Member

(J)

(sgj)

O.A. No.79/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri P.P. Thakre, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

2. Ld. PO files reply and the same is taken on record. It is submitted that it is not necessary for other respondents to file reply.

3. Admit. To come up for final hearing in due course.

4. Ld. PO waives notice for the respondents.

Member

(J)

(sgj)

O.A. No.338/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA No.295/18

Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after one week.

Member

(J)

(sgj)

O.A. No.365/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA No.325/18

Shri S.A. Deo, the Ld. C.P.O. for the
respondents.

2. None for the Applicant
3. Adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.616/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri A.V. Gawande, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. C.P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after four weeks.

Member

(J)

(sgj)

O.A. No.743/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after two weeks.

Member

(J)

(sgj)

O.As. No.745 & 746/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri A.I. Shaikh, the Ld. counsel for the applicants and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicant adjourned after two weeks.

Member

(J)

(sgj)

O.A. No.366/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri R.L. Khapare, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. Ld. PO files reply and the same is taken on record.
3. At the request of Ld. Advocate for the applicant adjourned after three weeks.

Member

(J)

(sgj)

O.A. No.567/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA.09/18 in CA.285/18 in CA286/18

Shri A.Z. Jibhkate, the Ld. counsel for the applicant and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. The respondents are directed to file reply till 31.10.2018.

Member

(J)

(sgj)

O.A. No.118/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri M.V. Bute, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. Issue notice returnable on four weeks.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks.**

Member

(J)

(sgj)

O.A. No.674/2016 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

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

2. S.O. after Diwali Vacation.

Member

(J)

(sgj)

O.A. No.635/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri N.D. Thombre, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. Partly heard.
3. Ld. PO submits that he wants to seek certain instructions about the documents which are filed by the applicant today.
4. S.O. after two weeks.

Member

(J)

(sgj)

O.A. No.888/2017 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. S.O. after Diwali Vacation.

Member

(J)

(sgj)

O.A. No.6/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri N.B. Bargat, the Ld. counsel for the applicant and Shri A.K. Khadatkar, the Ld. P.O. for the respondents.

2. S.O. after two weeks.

Member

(J)

(sgj)

O.As. No.275 & 276/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri A.M. Khadatkar, the Ld. P.O. for the
respondents.

2. Applicant and his advocate are absent.
3. Adjourned for hearing in due course.

Member

(J)

(sgj)

O.A. No.432/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

CA No.171/18

Shri H.K. Pande, the Ld. P.O. for the respondents.

2. Applicant and his advocate are absent.
3. Adjourned for hearing after Diwali Vacation.

Member

(J)

(sgj)

O.A. No.438/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri S.A. Marathe, Ld. Advocate for the
Applicant and Shri V.A. Kulkarni, the Ld. P.O.
for the respondents.

2. Adjourned to 29.10.2018.

Member

(J)

(sgj)

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

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Shri P.A. Kadu, Ld. Advocate for the
Applicant and Shri P.N. Warjurkar, the Ld. P.O.
for the respondents.

2. Closed for orders.

Member

(J)

(sgj)

O.A. No.830/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Heard Shri A.D. Girdekar, Ld. Advocate
for the Applicant and Shri S.A. Sainis, the Ld.
P.O. for the respondents.

2. Ld. PO has produced before the
Tribunal a copy of order dated 25.10.2018
and submitted that order of deputation of the
applicant to Madhyamik Ashramshala Kothali,
Taluka Barshitakali, District Akola is

cancelled. In view of this it is submitted by the Ld. Advocate for the applicant that there remains no substance to prosecute the OA.

3. Hence, OA stands disposed off accordingly with no order as to costs.

Member

(J)

(sgj)

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

Coram : Hon. Shri A.D.Karanjkar,

Member (J)

Dated : 26.10.2018.

Shri D.B. Walthare, Ld. Advocate for the Applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. Today the matter is for orders but after reading the prayers and on perusal of the documents in my view some clarification is required from the applicant. Therefore, the

matter be posted for further hearing after three weeks.

Member

(J)

(sgj)

O.A. No.444/2018 (S.B.)

**Coram : Hon. Shri A.D.Karanjkar,
Member (J)**

Dated : 26.10.2018.

Smt. N.K. Saboo, the Ld. counsel for the applicants and Shri P.N. Warjurkar, the Ld. P.O. for the respondents.

2. At the request of Ld. Advocate for the applicants adjourned after four weeks.

Member

(J)

(sgj)