

O.A. No. 150/2015

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.**

M.C.A. 43/2016.

None for the applicants.

Shri S.A. Sainis, the learned
P.O. for the respondent Nos. 1 to 3.
None for R. 4 to 18.

MCA will be heard **in the last
week of August 2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 480/2015

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.**

C.A. 249/2016.

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

Application for condonation of delay is filed after taking objection to that effect by the State. Since the reply to the O.A. is also filed, application will be heard at the time of final hearing.

ADMIT.

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

S.O. **in the last week of August 2018** for final hearing.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 78/2017

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

None for the applicant.

Heard Shri P.N. Warjekar, the
learned P.O. for the respondents.

S.O. **four weeks** for filing reply
by Ld. P.O. on behalf of R. 1 and 2.

Service affidavit of R.3 is filed
on record.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 202/2015

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondents.

On 7.9.2016, the applicant was directed to supply legible copy of the O.A. to the Ld. P.O. and the matter has been kept for compliance. Till today, no copy has been served. Order of this Tribunal, therefore, has not been complied with for last two years. In view thereof, matter be kept for dismissal **in the last week of August 2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 211/2015

(D.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondents.

It seems that the applicant is not attending this Tribunal since last more than two years. Since the reply is already filed and the pleadings are complete, O.A. is admitted and kept for final hearing **in the last week of August 2018.**

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 225/2015

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri A.P. Sadavarte, Adv. holding for Shri P.S. Sadavarte, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

ADMIT.

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

S.O. 3rd week of August 2018.

Member(A)

Vice-Chairman(J)

O.A. No. 110/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

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

2. Ld. P.O. seeks time to file reply affidavit on behalf of R. 2,3 and 4.

3. The Ld. counsel for the applicant seeks permission to issue fresh notice to respondent No.5, since the envelope has been returned back unserved.

4. In view thereof, issue fresh notice to respondent No.5 returnable after **four weeks.**

5. Shri M.I. Khan, 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. In case notice is not collected within seven days, and if service report on affidavit is not filed within three days before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. four weeks.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 180/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

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

S.O. **one week** for filing reply affidavit by Ld. P.O.

Member(A)

Vice-Chairman(J)

O.A. No. 378/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri M.R. Khan, 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 vide order dated 21.7.2018, permanency benefit given to the applicant has been cancelled and, therefore, the respondents have taken coercive steps, though they were prevented from taking such step as per order dated 11.6.2018. The applicant wants to challenge that action and, therefore, wants to amend the O.A. The Ld. counsel for the applicant seeks time to file amendment application.

S.O. **one week** for filing amendment application.

Member(A)

Vice-Chairman(J)

O.A. No. 465/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri K.V. Deshmukh,
Adv. holding for Shri R.V. Shiralkar,
the Ld. counsel for the applicant and
Shri M.I. Khan, the learned P.O. for
the respondents.

The Ld. P.O. submits that as per
order dated 29.6.2018, the applicant
has been allowed to appear for
examination and his result has been
kept in a sealed cover. He seeks time
to file reply.

S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

O.A. No. 469/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 to 4. Shri S.M. Bhagde, Adv. for R.5.

The Ld. counsel for R.5 has filed reply affidavit of R.5, same is taken on record and copies of which are supplied to other sides. R.5 has taken preliminary objection for maintainability of the application and, therefore, at the request of the Ld. counsel for the applicant, matter be kept for hearing on the point of maintainability.

S.O. **two weeks.**

Member(A)

Vice-Chairman(J)

O.A. No. 564/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

None for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. CPO submits that the Hon'ble High Court has stayed the G.R. dated 7.8.2012 and the matter is pending before the Hon'ble High Court. In view thereof, he seeks time.

S.O. **eight weeks.**

Member(A)

Vice-Chairman(J)

O.A. No. 577/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No. 1.

2. The applicant is a Medical Officer and his pay scale of Rs. 15600-39100 plus grade pay of Rs. 5400/- and he is going to retire today i.e. on 31st July 2018, since he has completed 58 years of age. He has filed representation on 10.7.2018 for extension of his services upto the age of 60 years as per the G.R. The respondent No.1 has also extended the service period of some of the officers in similarly situated circumstances as per order (Annexure A-15). The applicant seems to be entitled for extension of age limit as

per G.R. dated 3.9.2015. This Tribunal has already taken a view that those Group-B officers who are in the pay band of Rs. 15600-39100 plus grade pay of Rs. 5400/- are entitled for extension and this view has been confirmed by the Hon'ble High Court. It seems that the case of the applicant has been covered by the judgment i.e. in O.A. Nos. 254/2015 and 798/2016 passed by this Tribunal.

3. In view thereof, the respondents are directed not to relieve the applicant and allow him to continue in service till further orders in this matter. The Ld. P.O. seeks time to file reply.

4. Ld. P.O. shall inform respondent No.4 accordingly.

5. S.O. **four weeks** for filing reply by Ld. P.O.

6. Issue notice to respondent Nos. 2 to 4 returnable after **four weeks.**

7. Shri H.K. Pande, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. 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.

10. 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.

11. In case notice is not collected within seven days, and if service report on affidavit is not filed within three days before returnable date,

O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

12. S.O. **four weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 65/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri K.V. Deshmukh, the
Ld. counsel for the applicant and Shri
H.K. Pande, the learned P.O. for the
respondents.

At the request of the Ld. counsel
for the applicant, S.O. **2.8.2018.**

Member(A)

Vice-Chairman(J)

O.A. No. 98/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

C.A. 461/2017.

None for the applicants. Shri H.K. Pande, the learned P.O. for the respondents 1 to 4. None for R.5.

Reply affidavit of R.4 is filed on record and a copy thereof is served to the applicant.

S.O. **2.8.2018.**

Member(A)

Vice-Chairman(J)

O.A. No. 301/2012

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

None for the applicants. Shri H.K. Pande, the learned P.O. for the respondents.

From Roznama, it seems that on 3.5.2016 and 1.8.2016, matter was called for. But no one appeared for the applicants. Matter is of the year 2012 and the applicants are claiming directions to the respondents to provide quota in recruitment process for the post of Civil Engineering Assistant as per Advertisement No. 2/2011 for the candidates who have passed one year Diploma course of Civil Engineering Assistant from Govt. Technical Institute. Process is already over and that might be the reason that the applicant may not be interested. However, as a last chance, since the matter is of the year 2012, it be kept in the next week i.e. on 6.8.2018 for dismissal.

S.O. 6.8.2018.

Member(A)

Vice-Chairman(J)

O.A. No. 882/2012

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4. None for R.5.

At the request of the Ld. counsel for the applicant, S.O. **1.8.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 413/2016

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 31st July 2018.

Heard Shri M.R. Khan, Adv. holding for Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 and 2. Shri A.D. Tote, Adv. for R.3.

The Ld. counsel for R.3 submits that R.3 does not want to reply to the amended O.A. The Ld. counsel for the applicant requests that the matter be kept in the next week.

S.O. **next week.**

Member(A)

Vice-Chairman(J)

O.A.No. 169/2018 (S.B.)

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

Dated : 31.07.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

The Id. Counsel for the applicant in the O.A. at Pg. No. 06 in para "G" as stated:-Writ Petition No. 7377/2014 filed by Dr. Arun Nadange, Writ Petition No. 7386/2014 filed by Dr. Dipti Niwane, Writ Petition No. 7387/2014 filed by Dr.Nisha Bhawsar, Writ Petition No. 7381/2014 filed by Dr. Dinesh Kutte, Writ Petition No. 7385/2014 filed by Dr. Vinod Ghadsingh, Writ Petition No. 7378/2014 filed by Dr. Praful Ambatkar.

As listed above, the following cases are having identical prayer and as per the interim order passed by the Hon'ble High Court they are permitted to have a private practice in

para "H". The Id. Counsel for the applicant has further submitted that although this Tribunal has dismissed the O.A. filed by Medical Officers challenging G.R. dated 07/08/2012, the Hon'ble High Court has stayed the said G.R. Therefore, as per the order of Hon'ble High Court, there was no necessity to file individual proceeding by each Medical Officer who are similarly circumstanced and claiming same relief.

This Tribunal agrees by the above situation and respondents are directed to issue a general circular to avoid individual cases before the Tribunal. Meanwhile, as per the above order of the Hon'ble High Court and as per the applicant prayer at Pg. No. 9 at para no. 10 private practice is allowed to the applicant till further orders.

The Id. C.P.O. desires six weeks time to
file affidavit-in-reply. **S.O. six weeks.**

Member (A)

aps.

O.A.No. 696/2017 (S.B.)

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

Dated : 31.07.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent no. 1. Await service of respondent no. 2. None for respondent no. 3.

On the same issue Original Application was heard in the Division Bench of this Tribunal, regarding Medical Officer retirement age from 58 to 60 years, in view of the G.R. dated 03/09/2015 (Writ Petition No. 1895 of 2015). (Writ Petition No. 1895 of 2015).

In this case, the Division Bench has already passed detailed order which has been partly upheld by the Hon'ble High Court also.

The Id. Counsel for the applicant given copy of this Tribunal Judgment bearing O.A. No. 42/2016 dated 27th Oct. 2016 and the same was partly upheld by the Hon'ble High Court regarding age of retirement of Medical Officer. The respondents are directed to

consider the case as per the Judgment of this Tribunal bearing O.A. 42/2016 dated 27th Oct. 2016 and as upheld by the Hon'ble High Court.

As per the request of Id. P.O., **S.O. two weeks for affidavit-in-reply.**

Member (A)

aps.

O.A.No. 838/2015 (S.B.)

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

Dated : 31.07.2018.

C.A.No. 167/2018:-

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

As suggested by Id. P.O., early hearing
application is allowed. The matter is kept for
final hearing, **S.O. one week.**

Member (A)

aps.

O.A.No. 197/2018 (S.B.)

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

Dated : 31.07.2018.

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 3. Await service of respondent no. 4.

He submits that he will verify service affidavit of respondent no. 4, as per his knowledge it might has been served. The Id. P.O. may file affidavit-in-reply in the next hearing. **S.O. three weeks.**

Member (A)

aps.

O.A.No. 250/2018 (S.B.)

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

Dated : 31.07.2018.

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. Counsel for the applicant submits that he will collect the notice tomorrow. At his request, **S.O. two weeks.**

Member (A)

aps.

O.A.No. 302/2018 (S.B.)

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

Dated : 31.07.2018.

C.A.No.114/2018:-

Heard Shri Deshmukh holding for Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

C.A. for Joint application is allowed.

S.O. four weeks.

Member (A)

aps.

O.A.No. 302/2018 (S.B.)

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

Dated : 31.07.2018.

C.A.No.114/2018:-

Heard Shri Deshmukh holding for Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

C.A. for Joint application is allowed.

S.O. four weeks.

Member (A)

aps.

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

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

Dated : 31.07.2018.

Heard Shri G.G.Bade holding for Shri S.A.Marathe, Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4. Shri M.K.Bhosale, Id. Counsel for the respondent no. 5 is going to file Vakalatnama.

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

Member (A)

aps.

O.A.No. 525/2018 (S.B.)

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

Dated : 31.07.2018.

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

The Id. Counsel for the applicant seeks time to carry out the amendment, **S.O. one week.**

Member

(A)

aps.

O.A.No. 929/2017 (S.B.)

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

Dated : 31.07.2018.

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

The Id. P.O. has submitted that the affidavit-in-reply on behalf of the respondent no. 1 is not necessary. The matter is **admitted** and kept for final hearing.

The Id. P.O. has further directed to submit the reply in the tabular format about all Pensionary benefits like, G.P.F., Gratuity, leave encashment, GIS, etc. with mention that what have been paid till now and what are yet to be paid. Unpaid items are in which office and reasons of non-payments till now with projected time frame, when it will be paid.

Steno copy granted.

Member

(A)

O.A.No. 952/2017 (S.B.)

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

Dated : 31.07.2018.

Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. P.O. submits the affidavit-in-reply on behalf of the respondent no. 2. The same is taken on record. Copy is served to the other side.

The Id. P.O. further submits that the reply of respondent no. 1 is not necessary.

S.O. two weeks.

Member

(A)

aps.

O.A.No. 166/2018 (S.B.)

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

Dated : 31.07.2018.

Shri R.D.Khade, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

The Id. P.O. has submitted therefore, copy by the Administrative Officer, Divisional Agriculture Joint Director, Nagpur Division, Nagpur letter dated 02/07/2018 bearing no. tk-dz@vklFll@v&6@eiv-dz166@18@5646@2018 along with Government G.R. No. 'Ml u fu.Æ dz&vdfo 1018@i dz154@15 vs dated 04/06/2018] which are marked Exh. "X" & "X-1" for the purposes of identifications. The same has been supplied to the Id. Counsel for the applicant.

The Id. Counsel for the applicant submits that the grievances of the applicant has been redressed. In view of this nothing survives in the O.A.

Hence, the O.A. is disposed off as
withdrawn with no order as to costs.

Member

(A)

aps.

O.A.No. 289/2018 (S.B.)

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

Dated : 31.07.2018.

Shri S.M.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

S.O. three weeks as a last chance.

Member

(A)

aps.

O.A.No. 300/2018 (S.B.)

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

Dated : 31.07.2018.

Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. P.O. for the respondents.

Since the matter is coming for the first time, the Id. C.P.O. seeks four weeks time to file affidavit-in-reply. At his request, **S.O. four weeks.**

Member

(A)

aps.

O.A.No. 342/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 31.07.2018.

Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

In order dated 05/06/2018 in para no. 2 i.e. *Prima facie impugned order of transfer dated 31/05/2018 (Annexure-A-6) in respect of applicant appears in violation of the G.R. No. TRF-2000/pra.kra 3/12, Mantralaya, Mumbai dated 06/08/2002 (Annexure-A-5, P-23). The impugned order in respect of applicant is stayed and the matter is adjourned on 21/06/2018. The Id. P.O. may request to the Transferring Authority to re-consider the applicant's representation and decide the matter as per the guidelines of G.R. dated 06/08/2002.*

The above stay is continued till next date of hearing.

Member

(A)

aps.

O.A.No. 475/2018 (S.B.)

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

Dated : 31.07.2018.

None for the applicant. Shri S.A.Sainis,
the Id. P.O. for the respondents.

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

In order dated 02/07/2018 in para no.
2 i.e. *Vide impugned communication dated 15/03/2018
(Annexure-A-3) and second communication dated
12/06/2018 (Annexure-A-4), the respondents are
recovering the amount from the salary of the applicant
on the ground that the pay fixation was wrongly done
since 01/07/2002. Vide the said communication, an
amount of Rs. 7,79,595/- is being recovered. The said
recovery is stayed till reply affidavit is filed by the
respondents.*

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

Member (A)

O.A. No. 571/2018 (SB)

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

Dated : 31.07.2018

Heard Shri P.B. Patil, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Vide impugned order dated 31/5/2018 (Annex-A-2,P-14) the applicant has been transferred from the post of District Animal Husbandry Officer, Buldhana to Zilla Parishad, Washim on the same post. Prior to the order of transfer, the applicant has filed one representation on 17/4/2018 (Annex-A-2) whereby he requested that he shall be granted one year extension at Buldhana since his daughter was taking education in 12th Standard. Thereafter even after transfer, the applicant has filed another representation on 1/6/2018 for the said purpose of extension. The copy of the said representation is filed on record along with the Pursis today and same is marked Exh-X for the purposes of identification. The only request made by the applicant is that his representation be considered within a stipulated time bound framed. The application therefore stands disposed of with

direction to respondent no.1 to pass appropriate order on the representation filed by the applicant on 1/6/2018 within eight weeks from today. Since the applicant is not yet relieved from Buldhana, the respondent no.1 is directed not to relieve him till the decision is taken on the representation. The applicant will be at liberty to approach the Tribunal if the representation is not considered favourably.

Vice Chairman (J)

dnk.

O.A. No. 578/2018 **(SB)**

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

Dated : 31.07.2018

Heard Shri W.G. Paunikar, Id. counsel for the applicant and Shri M.I. Khan, Id. PO for the State.

2. The applicant has been kept under suspension vide order dated 19/03/2018 (Annex-A-3,P-18). Against the said order, the applicant has filed O.A.No.200/2018 which was disposed of by order dated 23/03/2018 and the applicant was given liberty to file representation / appeal against the order of suspension and the competent authority was directed to decide the appeal within one month from the date of receipt of the representation / appeal. The appellate authority seems to have passed the order on 02/05/2018 which has been received by the applicant on 19/06/2018 and surprisingly the appeal has been dismissed on the ground that the applicant has approached the Hon'ble High Court for getting amount of insurance and house building advance.

3. The learned counsel for the applicant submits that no opportunity was given by the appellate authority to keep it before him and the appeal has been dismissed with total non application of mind. The applicant has been kept under suspension vide order dated 19/03/2018 and it is stated that till

today no charge sheet has been served on the applicant. The learned P.O. submits that he will take instructions from the competent authority in this regard and therefore the matter be kept on the next date. In the meantime, issue notice to R-2 and 3, returnable on **06/08/2018**. 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. 06/08/2018.**

Vice Chairman (J)

dnk.

O.A. No. 514/2016 (SB)

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

Dated : 31.07.2018

Shri M.R. Khan, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and Shri S.N. Gaikwad, Id. counsel for R-3.

2. The learned counsel for the applicant files Pursis along with the copy of Notification dated 19/06/2015. The same is taken on record and marked Exh-X for the purposes of identification. The copy of the same is supplied to the other side. The matter has already been heard on merits and therefore it is closed for passing necessary orders.

Vice Chairman (J)

dnk.

O.A. No. 567/2017 with C.A. 09/2018 (SB)

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

Dated : 31.07.2018

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1&2, Shri A.A. Parihar, Id. counsel for R-3&4 and Shri D.M. Kakani, Id. counsel for R-5.

2. On 12/07/2018 the learned counsel for R-3&4 sought time to file additional affidavit stating the circumstances under which the applicant was allowed to work at Sadak Arjuni. For that purpose the matter is kept today as part heard. Today neither the applicant and his counsel nor the respondent nos.3 & 4 and their counsel appeared. The matter has already been heard on merits on earlier occasion also and the queries made by this Tribunal are not satisfied by the Zilla Parishad. The Id. counsel for R-5 submits that his salary has not been released from August, 2017 because of the attitude of respondent nos.3 and 4. In view of this, it is made clear that in case the applicant's his counsel and counsel for R-3&4 did not appear on the next date, necessary orders will be passed in this regard and for that purpose the matter be kept on **09/08/2018**.

Vice Chairman (J)

dnk.

O.A. Nos. 119 & 120 of 2014 **(SB)**

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

Dated : 31.07.2018

Heard Shri V.B. Bhise, Id. counsel for
the applicants and Shri A.M. Ghogre, Id.
P.O. for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 750/2015 **(SB)**

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

Dated : 31.07.2018

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and none for R-3.

2. It seems that the applicant was earlier appointed on contract basis and was entitled to remuneration by way of honorarium. It seems from the reply-affidavit filed on record that the Civil Surgeon, i.e., respondent no.2

was paying the applicant the remuneration till 31/03/2015 and thereafter the services have been hired through some private agency. However, it seems to be admitted fact that the applicant had worked upto July,2016 with respondent no.2 and has not been paid the remuneration. The respondent no.2 is shifting its burden on the private agency. However, the documents regarding the contract between the respondent no.2 and the private agency as well as whether such contract was binding on the applicant are not placed on record. The learned P.O. submits that he wants to file additional affidavit in this matter along with necessary documents and for that purpose he seeks three weeks time. At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. No. 732/2016 **(SB)**

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

Dated : 31.07.2018

Shri M.R. Khan, Id. counsel holding for Shri N.B. Bargat, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The matter was taken on the board at the request of learned counsel for the applicant for final hearing. The copy of reply-affidavit filed on behalf of R-3&4 has been received by the Id. counsel for the applicant. At the request of learned counsel for the applicant, **S.O. next week.**

Vice Chairman (J)

dnk.

O.A. No. 776/2016 **(SB)**

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

Dated : 31.07.2018

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

Shri M.R. Khan, the learned counsel for the applicant submits that he had already handed over the brief to the applicant, but he will inform the applicant as to whether to withdraw the O.A. or not and for that purpose he seeks two weeks time. The

matter be kept after two weeks for obtaining instructions or for dismissal, as the case may be.

Vice Chairman (J)

dnk.

O.A. Nos. 610 & 939 of 2017 **(SB)**

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

Dated : 31.07.2018

Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. seeks time to file reply-affidavit to the additional affidavit filed by the applicant. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.