

O.A. No.419/2018 (SB)

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

Dated : 01.10.2019

Shri V.B.Gawali Id. counsel h/f.
S.N.Gaikwad, Id. counsel for the applicant
and Shri A.M.Khadatkar, Id. P.O. for the
respondents.

It is informed by the learned
Advocate for the applicant that the applicant
is now retired from service. In view of this,
O.A. stands disposed of as infructuous.
There shall be no order as to costs.

Member (J)

yuk

O.A.No.120/2017 **(SB)**

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

Dated : 01.10.2019

Shri Shri A.D.Girdekar Id. counsel
h/f. Shri A.P.Tathod, Id. counsel for the
applicants and Shri A.P.Potnis, Id. P.O. for
the respondents.

At the request of Id. P.O., **S.O. two
weeks** for filing affidavit in reply.

Member (J)

yuk

O.A.No.59/2019 (SB)

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

Dated : 01.10.2019

None is present for the applicant.
Shri H.K.Pande, Id. P.O. for the
respondents. None is present for
respondent no.3.

Pleadings are complete. Case is
admitted. It may be kept for final hearing.

S.O. two weeks.

Member (J)

yuk

O.A.No.458/2019 (SB)

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

Dated : 01.10.2019

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

At the request of Id. P.O., **S.O. two weeks** for filing affidavit in reply.

Member (J)

yuk

O.A.No.226/2019 (SB)

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

Dated : 01.10.2019

Shri W.G.Paunikar, Id. counsel for
the applicants and Shri Shrikant Dev, Id.
P.O. for the respondents.

Pleadings are complete. Case is
admitted. It may be kept for final hearing.

S.O. after three weeks.

Member (J)

yuk

C.A.307/2019 IN C.A.325/2019 IN
O.A.No.597/2019 **(SB)**

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

Dated : 01.10.2019

Shri Sanjajee Id. counsel holding for Shri M.M.Sudame, Id. counsel for the applicants, Shri V.A.Kulkarni, Id. P.O. for the respondents and Shri Bharat Kulkarni Id. counsel for respondent no.4. None is present for the Intervenor.

2. Ld. P.O. files affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy served on the other side.

3. Ld. P.O. states that O.A.No.614/2019 is a connected matter and he will also file reply in the said matter during the course of the day. O.A.No.614/2019 be tagged together with this O.A.No.597/2019.

4. Pleadings are complete. Case is admitted. It may be kept for final hearing.

5. S.O. 11-10-2019.

Member (J)

yuk

C.A.No.326/2019 IN O.A.No.617/2019 **(SB)**

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

Dated : 01.10.2019

Shri R.V.Kukday, Id. counsel for the applicants and Shri A.M.Ghogre, Id. P.O. for the respondents. None is present for the Intervenor.

2. Ld. P.O. files affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy served on the other side.

3. Pleadings are complete. Case is admitted. It may be kept for final hearing.

4. S.O. 11-10-2019.

Member (J)

yuk

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

Dated : 01.10.2019

Shri G.K.Bhusari, Id. counsel for the applicants, Shri P.N.Warjurkar, Id. P.O. for the respondents and Shri D. Khandelwal Id. counsel for respondent no.4.

2. Issue fresh notice to the respondent no.2 returnable after three 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. after three weeks.**

9. Steno copy and hamdust granted.

Member (J)

yuk

O.A.No.664/2019 (SB)

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

Dated : 01.10.2019

Shri V.B.Gawali, Id. counsel for the applicants and Shri M.I.Khan, Id. P.O. for the respondents.

Ld. counsel has filed affidavit in rejoinder. Pleadings are complete. Case is admitted. It may be kept for final hearing.

S.O. 10-10-2019.

Member (J)

yuk

O.A.No.736/2019 (SB)

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

Dated : 01.10.2019

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

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

Member (J)

yuk

O.A.No.717/2019 (C) **(SB)**

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

Dated : 01.10.2019

Shri R.V.Shiralkar, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. It is submitted by the Id. counsel for the applicant that on 27-09-2019 representation is made by the applicant to post him in vacant post in Akola District. It is submitted that the applicant has already worked for a period of about 23 years in tribal area. Therefore, his representation is required to be decided.

3. In the interest of justice, respondent Additional Chief Secretary, is directed to decide the representation within 4 weeks from the date of this order.

4. **S.O. four weeks.**

Member (J)

yuk

O.A.No.794/2019 (C) (SB)

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

Dated : 01.10.2019

Shri D.T.Shinde, Id. counsel for the applicants and Shri Shrikant Dev, Id. C.P.O. for the respondents.

2. Issue notice to the respondents, returnable after three 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. after three weeks.**

9. Steno copy and hamdust granted.

Member (J)

yuk

O.A.No.795/2019 (C) (SB)

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

Dated : 01.10.2019

Shri D.T.Shinde, Id. counsel for the applicants and Shri Shrikant Dev, Id. C.P.O. for the respondents.

2. Issue notice to the respondents, returnable after three 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. after three weeks.**

9. Steno copy and hamdust granted.

Member (J)

yuk

O.A.No.804/2019 (SB)

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

Dated : 01.10.2019

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

2. Vide order dated 31-05-2019, the applicant was transferred from Pahela, District Bhandara to Karanja, District Gondiya on vacant post. Lateron, the Government of Maharashtra issued order dated 01-06-2019 and stayed the transfer order dated 31-05-2019.

3. The Government of Maharashtra thereafter issued transfer order dated 04-07-2019 and transferred the applicant from Pahela to Lakhandur. It is contention of the applicant that he has crossed the age of 50 years and therefore, as per the G.R. dated 06-08-2002, he should not have been posted in the naxalite area. The second contention is that till today, the applicant is not relieved from his post. It is submission of the applicant that on 21-09-2019, he made representation to the Government that in the past he has already worked from 1999 to 2005 in naxalite area and considering his other family difficulties as he had attack of

paralysis in the year 2018, therefore, his transfer be cancelled. It is submitted that vide order dated 30-08-2019, the Government of Maharashtra cancelled the transfers of 3 Veterinary surgeons who approached the M.A.T., Nagpur to challenge the order dated 04-07-2019. Now, it is grievance of the applicant that there is likelihood of giving effect of the transfer order dated 04-07-2019, therefore, protection be given to him till decision on his representation. 4.

5. In view of these facts, the respondents are directed to decide the representation dated 21-09-2019 within a period of 3 weeks from the date of this order and till then the applicant shall not be relieved from his present post.

6. Issue notice to the respondents, returnable after three weeks.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. **S.O. after three weeks.**

13. Steno copy and hamdust granted.

Member (J)

yuk

O.A.No.328/19, 430/19 & 431/19 (DB)

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

Dated : 01.10.2019

Shri P.V.Thakre, Id. counsel for the applicants and Shri H.K.Pande, Shri M.I.Khan and Shri S.A.Sainis, Id. P.Os. for the respondents in respective matters.

2. All the applicants are delinquent in the common departmental enquiry. It is submitted that the departmental enquiry is being conducted in respect of alleged misconduct committed in the year 2011. Chargesheets were issued to the applicants and other delinquents.

3. As the departmental enquiry was not completed, O.A.No.699/2012 was filed by one of the delinquents Udaykumar Rajaram Gupte, Executive Engineer, who was on the verge of retirement. O.A.No.699/2012 was decided by this Bench on 06-11-2018. Direction was given to the respondents to complete the departmental enquiry in all respect within a period of 6 months from the date of order. It was also directed that on failure of the respondents to complete departmental enquiry within 6 months from the date of order, the departmental enquiry

=2= O.A.No.328/19, 430/19 & 431/19

stands quashed without reference to the order passed by the Tribunal.

4. O.A.No.971/2008 was also filed by another delinquent Vishwajeet Mitra for expediting the departmental enquiry. O.A.No.971/2018 was disposed of by this Bench vide order dated 13-03-2019 and same directions as in O.A.No.699/2012 were issued.

5. It is submission of the applicants that they are unnecessarily harassed due to inaction of the Government and the enquiry officer to complete the departmental enquiry within a reasonable period. It is contention of the applicants that the conduct of the respondents is in violation of the directions issued by the Hon'ble Apex Court that departmental enquiry shall be completed within 6 months and as an outer limit within one year.

6. In the present matter, it is submitted that no just cause is shown by the respondents for not completing of the enquiries within period of about 8 years. In view of this, we direct that the departmental enquiry shall be completed within 6 months from the date of this order and on failure of the respondents to complete the

=3= O.A.No.328/19, 430/19 & 431/19

departmental enquiry within a period of 6 months from the date of this order, the departmental enquiry would stand quashed without reference to this Tribunal. O.As. stand disposed of accordingly. There shall be no order as to costs.

Member (J)
Chairman

Vice

yuk

O.A. 897/2012 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 499/2002 (D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.

MCA Nos. 08/19 & 09/19 -

Shri Bharat Kulkarni, Id .counsel for the applicnat and Shri V.A.Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. has already filed reply on MCA No. 08/19 and today copy of the same is supplied to the learned counsel for the applicant. The learned counsel for the applicant wants to go through the same and for that purpose he seeks further time.

3. At the request of Id. counsel for the applicant, **S.O. 24/10/2019.**

Member (J)

Vice-Chairman

dnk.

MCA 16/19 in O.A. 255/12_(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

C.A. 374/2019 -

Heard Smt. P.T. Joshi, Id .counsel holding for Shri G.N. Khanzode, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The C.A.No. 374/2019 is disposed of.

MCA 16/19 in O.A. 255/12 –

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 114/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

C.A.340/2019 -

Heard Shri S.S. Shingane, Id.
counsel for the applicant and shri H.K.
Pande, Id. P.O. for the respondents.

For the reasons stated in the
application, the C.A.No.340/2019 is allowed.

O.A.114/2018 –

S.O. 16/10/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 341/19 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.

C.A. 376/19 –

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

For the reasons stated in the
application, the C.A.376/19 is allowed.

O.A.341/19 –

S.O. 17/10/2019 along with
O.A.342/19

Member (J)

Vice-Chairman

dnk.

O.A. 342/19 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.

C.A. 377/19 –

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

For the reasons stated in the
application, the C.A.376/19 is allowed.

O.A.342/19 –

S.O. 17/10/2019 along with
O.A.341/19

Member (J)

Vice-Chairman

dnk.

O.A. 397/19 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Shri K.S. Malokar, Id. counsel for the applicants and shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-4. It is taken on record. Copy is served on the applicant.

At the request of Id. P.O., **S.O. 18/10/2019** for filing reply on behalf of other respondents.

Put up along with O.A.398/2019

Member (J)

Vice-Chairman

dnk.

O.A. 398/19 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Shri K.S. Malokar, Id. counsel for the applicants and shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
18/10/2019 for filing reply.

Put up along with O.A.397/2019

Member (J)

Vice-Chairman

dnk.

O.A. 506/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Shri G.K. Bhusari, 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. three weeks** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. 710/2019 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.

Shri G.K. Bhusari, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned counsel for the applicants submitted that all the respondents are served and he will file service affidavit to that effect during the course of day.

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

Member (J)

Vice-Chairman

dnk.

O.A. 709/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Today the letter dated 17/09/2019 written by the Desk Officer of Government of Maharashtra to the Divisional Deputy Director of Education, Nagpur is produced by the learned P.O. It is informed that the probation period of the applicant was confirmed or not confirmed, it is doubtful and therefore file is put up before the GAD and Finance Department for approval for completion of probation period of the applicant. In this regard, we would like to point out that the applicant was appointed in service as a Lecturer and he retired as Education Officer. It is very unreasonable to argue that the person whose probation period was not legally completed was retained in the service and he was thereafter promoted upto the post of Education Officer.

3. In these circumstances, we are of the firm view that lame excuses are being shown by the respondents for prolonging the payment of the retiral benefits to the applicant. Hence, the respondents are directed to do everything for payment of retirement benefits to the applicant within 30 days from the date of this order.

S.O. 05/11/2019.

Steno copy is granted...

Member (J)

Vice-Chairman

dnk.

O.A. 66/2013 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Heard Shri S.D. Kahaley, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for R-1 to 4. None for R-5.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.As.492,493,525,529 & 542 of 2013 (D.B.)

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

Dated : 01/10/2019.

Heard Shri S.P. Palshikar, Id.
counsel for the applicants and Shri S.A.
Sainis, Id. P.O. for the respondents.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 597/2016 (D.B.)

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

Dated : 01/10/2019.

Shri T. Patil, Id. counsel for the applicant and shri H.K. pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that today he has received reply and he wants to go through the same and for that purpose he seeks further time. At his request, **S.O. two weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 790/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Heard Ms. Preeti Rane, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. It is grievance of the applicant that she was appointed in service on the post of Lecturer in the Government Polytechnic vide G.R. dated 20/12/2018. Thereafter, as per the Government Notification dated 15/6/2017 the applicant was called upon to give her option for selecting the Revenue Division in which she should be appointed in service. It is grievance of the applicant that she informed the respondents that she had opted for Amravati Revenue Division, but without considering it, the order dated 20/12/2018 was issued and the applicant was posted at Ratnagiri in Kokan Revenue Division without considering her option.

3. It was informed by the applicant to the respondents that due to her delivery and young kid, it was not possible for her to join duty at Ratnagiri as it is far away, therefore, the respondents should be kind to

reconsider her posting and give her posting at any place in Amravati Revenue Division. It is grievance of the applicant that though posts were vacant in Amravati Revenue Division she was not given appointment, but vide order dated 13/6/2019 the respondents communicated that her appointment order was cancelled.

4. In this background, the O.A. is filed by the applicant for cancellation of this action and for the relief.

5. We have heard the learned CPO. It is submission of the learned CPO that as the applicant was appointed at Ratnagiri, therefore, MAT, Nagpur Bench has no jurisdiction to entertain this O.A. The second submission is that in para-7 the relief clause, there is no prayer for setting aside the order dated 13/6/2019. So far as question of territorial jurisdiction is concerned, it is to be examined on merits, therefore at the threshold we do not see it just to throw the application, when otherwise this Tribunal has jurisdiction to entertain. Though in para-7 there is no specific prayer for setting aside the order dated 13/6/2019, but in para-5 (vii) vide sub clause (a) there is a prayer that the impugned order of cancellation of applicant's appointment issued by the respondents is liable to be set

aside. We are of the view that the Bench should not be hyper technical in refusing the relief on technical defects. The applicant is permitted to correct the prayer in para-7 of the O.A.

6. It is submission of the learned counsel for the applicant that there are vacant posts in Amravati Revenue Division and if the posts are filled in during pendency of this O.A. the applicant will have to suffer. The learned CPO has opposed this prayer. In our opinion, if really there is no post vacant in Amravati Revenue Division, then even if direction is given to the respondents not to fill any post of Lecturer in Government Polytechnic in Amravati Revenue Division, there would be no question of causing any harm.

7. In this situation, we think it suitable to direct the respondents not to fill any post of Lecturer in the Government Polytechnic College only in Amravati Revenue Division from any of the candidates who are recruited along with the applicant till further orders.

8. Issue notice to R-1, returnable **after three weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

10. 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.

11. 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.

12. 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.

13. 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.

S.O. after three weeks.

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.

O.A. 159/15 with C.A. 154/16 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

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

2. It is submitted that the respondents have recommended names of candidates in the list dated 5/3/2015 for promoting them on the post of Supervisor. It is submitted that the candidates at sr.nos. 33,34 and 48 joined the services after the applicant and they were juniors to the applicant.

3. The learned counsel for the applicant is directed to seek instructions whether the candidates at sr.nos. 33,34 & 48 are really promoted as per the recommendations.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 720/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Shri S.K. Verma, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. submitted that he wants to file reply to the rejoinder and pursis filed by the applicant and for that purpose he seeks further time.

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

Member (J)

Vice-Chairman

dnk.

O.A. 660/2014 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

The matter is partly heard.

S.O. two weeks (PH).

Member (J)

Vice-Chairman

dnk.

O.A. 688/2014 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

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

It appears that on the earlier two occasions none appeared for the applicant. Today also none appeared for the applicant.

Hence, the O.A. stands dismissed in default.

Member (J)

Vice-Chairman

dnk.

O.A. 50/2015 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

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

S.O. 7/10/2019 at 3.00 p.m.

Member (J)

Vice-Chairman

dnk.

O.A. 558/2015 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Shri Abhishek Deshpande, Id. counsel holding for Shri S. Khandekar, Id. counsel for the applicant and Shri S.A. Sainis, Id .P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. Next week.**

Member (J)

Vice-Chairman

dnk.

O.A. 561/2015 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

The applicant is person present. Shri
P.N. Warjurkar, Id. P.O. for the respondents.

S.O. 25/11/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 455/2013 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Heard Shri Abhishek Deshpande, Id. counsel holding for Shri S. Khandekar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. In view of the pursis dated 29/9/2019 submitted by the applicant, the O.A. stands disposed of as withdrawn. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 677/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 01/10/2019.**

Heard Shri R.K. Joshi, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned P.O. is directed to file on record copy of Minutes of Meeting related to the Departmental Promotion Committee and subsequent order of promotion issued by the Director General of Police along with the list of candidates showing year of respective candidates recruitment and also showing year of recruitment in separate column.

3. Whether any candidate was recruited after 1985 was promoted vide that order or not.

S.O. 4/10/2019.

Steno copy is granted..

Member (J)

Vice-Chairman

dnk.***

O.A.No.85/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

C.A.No.372/2019:-

Heard Shri G.C.Khond, the Id. Counsel
for the applicant and Shri A.P.Potnis, the Id. P.O.
for the respondents.

2. As per the request of Id. counsel for the
applicant, **C.A. No. 372/2019 for early
hearing is allowed.**

3. **S.O. 09/10/2019.**

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.309/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

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

2. The Id. P.O. filed reply on behalf of the
respondents.

3. Matter is **admitted** and kept for final
hearing.

4. The Id. P.O. waives notices for the
respondents.

5. **S.O. in due course.**

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.849/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri M.R.Joharapurkar, the Id.
Counsel for the applicant and Shri A.P.Potnis,
the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two
weeks to file reply as a last chance.**

Chairman
Date:-01/10/2019.
aps.

Vice

O.A.Nos. 87, 88, 89/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri S.C.Deshmukh, the 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.

2. The Id. P.O. filed letter dated 09/05/2019. It is taken on record. Copy is served to the other side.

3. The said letter is written by District Superintendent, Agriculture Department, Gadchiroli. By which it appears that all the grievances of the applicant has been solved. Hence, nothing survives in the O.A..

4. Hence, **O.A. is disposed of with no order as to costs.**

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.608/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri A.P.Tathod, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant is requested to issue fresh notice to the respondent no. 2.

3. Issue fresh notice to R-2, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

9. **S.O. two weeks.**

Chairman
Date:-01/10/2019.
aps.

Vice

O.A.No.632/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

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

2. The Id. P.O. desires three weeks time to
file reply in respect of para no. 5 of order dated
22/08/2019. The status-quo will continue till
further orders.

3. S.O. three weeks.

Chairman **Vice**
Date:-01/10/2019.
aps.

O.A.No.792/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

C.A.No.538/2017:-

Heard Shri S.S.Shingane, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant filed the Government letter dated 27/11/2018, second letter and third letter dated 16/01/2019. First letter is regarding continuity in service, second letter is regarding seniority (deemed date of appointment) and third letter is regarding pay fixation of applicant.

3. The applicant has been given deemed date of seniority from 01/12/2000. However, the Id. counsel for the applicant submits that since 2000 he was agitating for his appointment. Now, he has got this appointment and he has no fault on his part. So, he is entitled for all the backwages. The Id. P.O. is directed to file instructions regarding backwages.

4. S.O. 16.10.2019.

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.642/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

C.A.No.359/2019:-

Heard Shri V.B.Pandey, the Id. Counsel
for the applicant and Shri A.M.Khadatkar, the Id.
P.O. for the respondents.

2. **C.A. No. 359/2019 for early hearing
is allowed.**

3. **S.O. 10.10.2019.**

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.578/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri S.S.Shingane, the Id. Counsel
for the applicant and Shri A.M.Khadatkar, the Id.
P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**
16.10.2019.

Chairman
Date:-01/10/2019.
aps.

Vice

O.A.No.216/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

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

2. As agreed by both the counsels, matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondents.

4. **S.O. two weeks.**

Chairman
Date:-01/10/2019.
aps.

Vice

O.A.No.394/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he will file one circular and explain that similarly situated employee will get benefits of the Judgments in any applications.

3. As agreed by both the counsels, matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. 04.10.2019.**

Chairman **Vice**
Date:-01/10/2019.
aps.

O.A.No.415/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri S.P.Palshikar, the Id. Counsel
for the applicant and Shri A.M.Ghogre, the Id.
P.O. for the respondents.

2. As per the request of Id. counsel for the
applicant, **S.O. next week.**

Chairman
Date:-01/10/2019.
aps.

Vice

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

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri S.N.Gaikwad, the Id. Counsel
for the applicant and Shri A.M.Ghogre, the Id.
P.O. for the respondents.

2. As per the request of Id. counsel for the
applicant, **S.O. four weeks.**

Chairman
Date:-01/10/2019.
aps.

Vice

O.A.No.119/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

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

2. The Id. P.O. has pointed out para nos. 6
& 8 of the reply, the same are below:-

"6. It is submitted that, in the year 2003, the applicant completed 12 years period of his service. Therefore, the Respondent no. 3 i.e. the Assistant Director of Health Service (Malaria), Nagpur has granted Time Bound Promotion to the applicant vide order dated 25.11.2003.

*8. So far as the Tribal and Naxal Allowances are concerned, Tribunal and Naxal allowances are applicable to the certain City of District Chandrapur vide G.R. issued in July, 2002. Therefore, the applicant is entitled for said allowances from Octust, 2002. The answering respondent fixed allowances of applicant for the period of 01.08.2002 to 31.11.2011 total amount of Rs. 53684/-. The said allowances remained unpaid due to lack of fund. The answering respondent is having deficit fund near about 30 lacs. The copy of Budget Distributing System (B.D.S.) of office of answering respondent is annexed herewith and marked as **ANNEXURE-R-4.**"*

3. In view of the reply, it appears that respondents are ready to pay the payment pending due to deficit in budget grant. The

respondents are directed to pay the applicant as and when budget is available.

4. With the above directions, **O.A. is disposed of with no order as to costs.**

Chairman

Date:-01/10/2019.

aps.

Vice

O.A.No.187/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :01st Oct. 2019.

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has also placed reliance on the Judgment by Hon'ble High Court Bombay, Bench at Aurangabad in writ petition no. 12699/2018 delivered on 03/04/2019.

3. The Id. P.O. has also pointed out Government of Maharashtra circular dated 03/07/2009 at P.B., Pg. No. 51 (Annexure-R-1), where it is mentioned on Pg. No. 52 that on 01/10/2006, 01/10/2007 and 01/10/2008 advance increment if already sanctioned, will continue afterwards Government may adopt different policy.

4. As mentioned on P.B., Pg. No. 15 of the O.A. in relief clause no. 10 (i), it appears that concerned office processed the applicant's advance increment proposal after delay and it was proposed on 09/04/2009 which was due to applicant as on 01/10/2008, it was not fault of the applicant and not in the hand of the applicant that he should have been forwarded at appropriate time.

5. In view of Hon'ble High Court Judgment in W.P. No. 12699/2018 advance increment upto 01/10/2008 should not have been withdrawn and applicant is claiming from that date only. Respondents are directed to consider the proposal of the applicant regarding advance increment from 01/10/2008 and decide as per there policy and rules **within eight weeks** from the date of this order.

6. With the above directions, **the O.A. is disposed of with no order as to costs.**

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.229/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

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

2. S.O. three weeks.

Vice

Chairman
Date:-01/10/2019.
aps.

O.A.No.540/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri C.A.Joshi, the Id. Counsel for
the applicant and Shri A.M.Ghogre, the Id. P.O.
for the respondents.

2. S.O. next weeks.

3. *Matter is treated as P.H.*

Chairman
Date:-01/10/2019.
aps.

Vice

O.A.No.371/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. As requested by Id. counsel for the applicant, **S.O. two weeks.**

Vice

Chairman

Date:-01/10/2019.

aps.

O.A.No.621/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated :01st Oct. 2019.

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

2. As submitted by Id. counsel for the applicant, the G.R. dated 08/06/1995 (Annexure-A-3, P.B., Pg. No. 13) he mentioned that assured progressive scheme will be applicable from 01/10/1994. The applicant joined services in 1983 and he became eligible on 01/10/1995. Hence his C.Rs. of the year 1995-1994, 1993-1994, 1992-1993, 1991-1992, 1990-1991 these five years C.Rs. are required and whether meeting took place for granting Annual Progressive Scheme due on 01/10/1994 and what was decided in the minutes of meeting, should be placed on record. The Id. P.O. is directed to file all the C.Rs. along with the minutes of meeting.

3. **S.O. 17/10/2019.**

4. *Steno copy is granted.*

Vice

Chairman

Date:-01/10/2019.

aps.