

O.A. 411/2017 (D.B.)

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

Dated : 10/01/2020.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2, None for R-3.

2. As submitted by the learned counsel for the applicant his client has been regularised and sent for training till 15/2/2020, therefore, he is unable to take instructions from the client.

3. At the request of learned counsel for the applicant, **S.O. 26/2/2020.**

The matter be tagged along with O.A. 22/2016 (SB)

Member (J)

Vice-Chairman

dnk.

O.A. 830/2011 (D.B.)

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

Dated : 10/01/2020.

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 14/1/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 113/2015 (D.B.)

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

Dated : 10/01/2020.

C.A. 154/2019 -

Heard Shri P.S. Sahare, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

2. For the reasons stated in the application, the C.A.154/2019 is allowed. Necessary amendment be carried out within one week.

O.A.113/2015 –

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 542/18 with C.A.265/18 (D.B.)

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

Dated : 10/01/2020.

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

2. The O.A. was filed by the applicant for extension of retirement age and now the Government has extended the age of retirement of the applicant till 60 years and he has received the salary.

3. In view thereof, there remains nothing in the O.A., therefore, it is disposed of. No order as to costs.

4. The C.A. No. 265/18 also stands disposed of accordingly.

Member (J)

Vice-Chairman

dnk.

O.A. 656/2019 (D.B.)

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

Dated : 10/01/2020.

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

The learned P.O. files reply on behalf of
R-3. It is taken on record.

The learned P.O. submitted that he
wants to file reply on behalf of R-4 and for that
purpose he seeks further time. At his request,
S.O. one week.

Member (J)

Vice-Chairman

dnk.

O.A. 947/2019 (D.B.)

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

Dated : 10/01/2020.

None for the applicant. Shri H.K. Pande,
Id. P.O. for R-1. Await service of R-2 to 4.

Service affidavit of R-2 to 4 is not filed.

S.O. four weeks.

Member (J)

dnk.

Vice-Chairman

O.A. 978/2019 (D.B.)

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

Dated : 10/01/2020.

Shri S.P. Palshikar, Id. counsel for the applicants and Shri H.K. Pande, 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. 05/2020 (D.B.)

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

Dated : 10/01/2020.

C.A. 04/2020 -

Heard Shri Bharat Kulkarni, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 05/2020 –

Heard Shri Bharat Kulkarni, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant to remove office objections. In the meantime, issue notice to R-2 & 3, returnable **after four weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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 four weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 793/2018 (D.B.)

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

Dated : 10/01/2020.

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

The matter is admitted and it be kept for final hearing.

The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 159/2013 (D.B.)

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

Dated : 10/01/2020.

Shri S.P. Palshikar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. submitted that as per earlier order dated 19/11/2019 the information is yet not received and therefore he seeks further time.

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

Member (J)

Vice-Chairman

dnk.

O.A. 593/2013 (D.B.)

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

Dated : 10/01/2020.

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3, Shri G.M. Shitut, Id .counsel for R-6 and none for other respondents.

S.O. Next week.

Member (J)

Vice-Chairman

dnk.

O.A. 647/2016 (D.B.)

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

Dated : 10/01/2020.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 849/2019 (D.B.)

(Ms. P.D. Jawlekar, Vs. State of Mah.)

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

Dated : 10/01/2020.

C.A. 517/2019 -

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

2. It is submitted that on the basis of G.R. dated 11/7/2019 the applicant's appointment is cancelled though the applicant was appointed in service after following due recruitment process and he worked for a period more than two years. It is contended that the G.R. dated 11/7/2019 is stayed by the Hon'ble High Court in Writ Petition No.7509/2019 vide order dated 19/11/2019 and that order is extended till 13/2/2020.

3. In this situation, the representation is made by the applicant to the respondents for permitting him to join the service subject to fate of the Writ Petition. The respondent no.2 is directed to decide the applicant's representation dated 13/11/2019 till 17/1/2020 or to file reply to the C.A.

S.O. 17/1/2020.

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.

O.A. 850/2019 (D.B.)

(Soni R. Marmaliwar Vs. State of Mah.)

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

Dated : 10/01/2020.

C.A. 518/2019 -

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

2. It is submitted that on the basis of G.R. dated 11/7/2019 the applicant's appointment is cancelled though the applicant was appointed in service after following due recruitment process and he worked for a period more than two years. It is contended that the G.R. dated 11/7/2019 is stayed by the Hon'ble High Court in Writ Petition No.7509/2019 vide order dated 19/11/2019 and that order is extended till 13/2/2020.

3. In this situation, the representation is made by the applicant to the respondents for permitting him to join the service subject to fate of the Writ Petition. The respondent no.2 is directed to decide the applicant's representation dated 13/11/2019 till 17/1/2020 or to file reply to the C.A.

S.O. 17/1/2020.

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.***

O.A. 07/2020 (D.B.)

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

Dated : 10/01/2020.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. We have perused the temporary seniority list dated 1/1/2018. In this seniority list name of respondent no.3 was at sr.no.3, the respondent no.4 was at sr.no.6 and the applicant was at sr.no.14. The applicant raised the objection to the list on the ground that as per the G.R. dated 31/5/2017 option was submitted by him in time and therefore he was senior to the respondent nos.3&4, but he was shown junior to respondent nos.3&4, therefore, seniority list be corrected. The objection was allowed and while preparing the final seniority list the applicant was placed at sr.no.10, the respondent no.3 was placed at sr.no.16 and name of respondent no.4 was shown at sr.no.6. It is grievance of the applicant that now the respondents have published temporary seniority list dated 1/1/2019 and in this seniority list the respondent no.4 is shown at sr.no.1, the respondent no.3 is shown at sr.no.2 and the present applicant is shown at sr.no.6.

Considering all these aspects, it seems that the respondents are changing the seniority of the applicant and the respondent nos. 3 to 4 time without taking any final decision. Once it is held that earlier final seniority list was prepared and the respondents fixed the seniority of the applicant, then there was no propriety to again modify that seniority.

3. The learned counsel for the applicant submitted that the respondents are intending to issue promotion orders, the DPC was held and it is strong apprehension of the applicant that the promotion orders would be issued on Monday. In our opinion, if in this situation any promotion orders are issued, then definitely it will cause prejudice to the candidates who are seniors to the respondent nos.3&4 and it will also cause prejudice to the applicant as 11 posts are to be filled in by promotion. We, therefore, direct that the respondents shall not issue promotion orders till filing of the reply in this matter.

4. Issue notice to R-2 to 4, returnable **after one week.** Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. 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 one week.

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.

O.A. No. 511/2019 **(SB)**

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

Dated : 10.01.2020

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

2. The learned counsel for the applicant submitted that the request of the applicant is accepted by the Department, therefore, the O.A. is now become infructuous.

3. In view thereof the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 588/2019 **(SB)**

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

Dated : 10.01.2020

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

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

Member (J)

dnk.

O.A. No. 764/2019 **(SB)**

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

Dated : 10.01.2020

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

The Id. P.O. submitted that he would file reply during the course of day. He is permitted to do so.

The matter is admitted and it be kept for final hearing.

The Id. P.O. waives notice for the respondents.

S.O. next week.

Member (J)

dnk.

O.A. No. 837/2019 **(SB)**

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

Dated : 10.01.2020

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

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

Member (J)

dnk.

O.A. No. 983/2019 (SB)

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

Dated : 10.01.2020

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 452/2019 (SB)

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

Dated : 10.01.2020

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1 to 6 & 9. None for R-7 and Ms. S.M. Saware, learned counsel for R-8.

2. Ms. S.M. Saware, Id. counsel has filed reply on behalf of respondent no.8 along with the documents on record. The respondent no.8 has filed copy of the pay bill of the month August,1993, copy of T.A. register, copy of pay bill for the months of June, 1995, August,1993 and November,1995.

3. In view of this, the matter is admitted and it be kept for final hearing.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 1070/2019 (SB)

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

Dated : 10.01.2020

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

S.O. three weeks.

Member (J)

dnk.

O.A. No. 1080/2019 **(SB)**

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

Dated : 10.01.2020

Heard Shri S.N. Nandeshwar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

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

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.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 126/2017 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 10.01.2020

The applicant in person present. Shri V.A. Kulkarni, Id. P.O. for R-1&4 and Shri N. Majithia, Id. counsel for R-2&3.

At the request of the applicant in person,

S.O. three weeks.

Member (J)

dnk.

O.A. No. 29/2018 (SB)

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 10.01.2020

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

At the request of Id. counsel for the applicant, **S.O. two weeks.**

Member (J)

dnk.

O.A. No. 71/2016 **(SB)**

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

Dated : 10.01.2020

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

At the request of Id. counsel for the applicant, **S.O. two weeks.**

Member (J)

dnk.

O.A. No. 511/2017 **(SB)**

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

Dated : 10.01.2020

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 541/2017 **(SB)**

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

Dated : 10.01.2020

Shri S.N. Gaikwad, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 783/2017 **(SB)**

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

Dated : 10.01.2020

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

S.O. two weeks.

Member (J)

dnk.

O.A. No. 922/2017 **(SB)**

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

Dated : 10.01.2020

Shri Bharat Kulkarni, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks**.

Member (J)

dnk.

O.A. No. 953/2017 **(SB)**

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

Dated : 10.01.2020

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

S.O. three weeks.

Member (J)

dnk.

O.A. No. 333/2018 **(SB)**

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

Dated : 10.01.2020

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2 and none for the respondents.

2. The learned counsel for the applicant submitted that during pendency of this application, the applicant was transferred to P.H.C., Belora, Tq. Pusad, District Yavatmal and he has resumed the duty, therefore, there is no substance in the O.A.

3. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 374/19 with C.A. 219/19 **(SB)**

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

Dated : 10.01.2020

There is a leave note from Shri S.M. Bhagde, Id. counsel for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

S.O. 16/1/2020.

Member (J)

dnk.

O.A.No.725/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

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

2. At the request of Id. counsel for the applicant, **S.O. 17/01/2020.**

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.985/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

2. At the request of Id. counsel for the respondent no. 3, **S.O. two weeks.**

Vice Chairman

Date:-10/01/2020.
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.**

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the State. Notices are yet not collected by C.F. applicant.

2. As submitted by Id. P.O., since matter was filed on 2017, even notices have not been collected.

3. In view of this, **O.A. is dismissed in default.**

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.616/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.**

Heard Shri S.Pande, 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. two weeks to file reply.**

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.924/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

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

2. The matter was filed on 29/11/2017 and it was first heard on 16/01/2018. However, reply has not been filed till now. As a last chance, the Id. P.O. is granted two weeks time to file reply. If reply will not file till next date, matter will be decided on merit.

3. S.O. 24/01/2020.

Vice Chairman

Date:-10/01/2020.

aps.

O.A.No.184/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

None for the applicant. Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. During hearing on 02/01/2020 also the Id. counsel for the applicant was absent. However, as pointed out by Id. P.O., all the payments related to G.P.F., G.I.S., D.C.R.G., Leave encashment and commutation of pension have been paid to the applicant.

3. Hence, nothing survives in the O.A. and Id. counsel for the applicant has not appeared for two times. Hence, last chance is granted to hear the Id. counsel for the applicant.

4. **S.O. one week.**

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.979/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

Heard Shri I.G.Meshram, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. None for the respondent no. 2.

2. The Id. counsel for the V.I.D.C. i.e. respondent no. 2 is not present today. The Id. counsel for the respondent no. 2 has to file the pay-scale of the applicant and in pay-scale after promotion/ conversion of post and pay-scale in the Departmental hierarchy.

3. In view of absence of Id. counsel for the respondent no. 2, **S.O. 20/01/2020.**

Vice Chairman

Date:-10/01/2020.
aps.

C.A.No.513/19inO.A.No.205/19,C.A.Nos.510&

511/19inO.A.No.206/19 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :10/01/ 2020.

C.A.Nos.510,511&513/2019:-

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

2. **C.A. No.510/2019 is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week time.

3. **C.A.Nos.513/2019 &511/2019 for direction are allowed.** The respondents are directed to continue the applicant till filing of the reply.

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

5. **Steno copy is granted.**

6. *Put up this matter along with the O.A. No. 207/2019.*

Vice Chairman

Date:-10/01/2020.

aps.

O.A.No.207/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

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

2. S.O. two weeks.

3. *Put up this matter along with the O.A. Nos. 205 & 206/2019.*

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.973/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

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

2. The matter was last heard on 10.12.2019 and it was recorded in para no. 4 that reasons of disagreement with the report of enquiry officer have been recorded in para nos. 1 to 4 at P.B., Pg. No. 135 & 136 of the Government order. However, Id. counsel for the applicant also submits that these lines are not the reasons in chronology of event.

3. The Id. counsel for the applicant has also filed Judgment in O.A. No. 349/2015 delivered on 25/02/2019 by this Tribunal in which one Dr. Namdeo Govind Kalwale was the applicant and also one of the delinquent in the said enquiry. The Id. counsel for the applicant relying upon its Judgment in O.A. No. 349/2015. However, it is necessary to take the reply from the Government.

4. The Id. P.O. desires three weeks time to file reply. If reply is not file till next date, matter be heard on merit.

5. **S.O. 04.02.2020.**

Vice Chairman

Date:-10/01/2020.

aps.

O.A.No.930/2017 with C.A.No.03/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.**

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

2. S.O. three weeks.

Date:-10/01/2020.
aps.

Vice Chairman

O.A.No.682/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the State. None for the respondent nos. 2 & 3.

2. The Id. P.O. has pointed out by respondent in para no. 4 at P.B., Pg. Nos. 43 & 44 which is reproduced below:-

"That the petitioner relied on judgment delivered by the Hon'ble Aurangabad Bench of Bombay High Court in W.P. No. 7482 of 2015, to substantiate her claim.

It is submitted that in paragraph no. 12 of the Judgment delivered by Hon'ble Aurangabad Bench of Bombay High Court in W.P. No. 7482 of 2015, it has been categorically observed by the Honourable Court referring to the G.R. dated 26.02.2013, that there is an affidavit filed by the petitioner, wherein it is stated that, the family of the father, including mother and her brother are dependent upon her

But, as in the instant case there is no affidavit filed by the petitioner stating that the family of the father, including mother and her brother are dependent on her, she is not entitled to be appointed on compassionate ground, in view of G.R. dated 26.02.2013."

3. In view of these facts, nothing survives in the O.A.. Since to hear the applicant side, **S.O. 17/01/2020.**

4. **Matter be treated as P.H.**

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.462/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

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

2. The applicant was appointed vide order dated 02/05/1980 (Annexure-A-2, P.B., Pg. No.12) and applicant was first promoted vide order dated 16.01.1985 (Annexure-A-3, P.B., Pg. No. 13). It seems that as per Annexure-A-4, P.B., Pg. No. 14 the applicant got temporary promotion on 30/11/1990 and it has been further regularized from dated 01.12.2002. It seems that applicant has been given higher pay scale.

3. In view of these facts, the relief clause cannot be considered. With these directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-10/01/2020.

aps.

O.A.No.68/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

Heard Shri P.S.Patil, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply for respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that this reply is sufficient to decide the O.A.

3. Hence, O.A. 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:-10/01/2020.
aps.

O.A.No.594/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

Heard Shri P.S.Sahare, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. As pointed out by Id. P.O., matter pertains to 2016 and so the Id. counsel for the applicant should file C.A. for condonation of delay. Accordingly, the Id. counsel for the applicant should file C.A. for condonation of delay.

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

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.990/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

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

2. Issue notice to R-2 to 4, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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.**

Vice Chairman

Date:-10/01/2020.

aps.

O.A.No.980/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

Heard Shri S.C.Deshmukh, 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. four weeks.**

Date:-10/01/2020.
aps.

Vice Chairman

O.A.No.979/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondent nos. 1, 3 & 4. Await
service of respondent no. 2.

2. **S.O. three weeks.**

Vice Chairman

Date:-10/01/2020.
aps.

O.A.No.786/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/01/ 2020.

Shri R.A.Haque, the Id. counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.M.Tirukh, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the applicant has placed on record letter dated 21/07/2018 of S.D.O., Achalpur office, which has been taken under R.T.I.. By this letter it is very much clear that there is no photography or videography available with the respondents to prove that all five members were present during the course of Interview for the post of Police Patil or NOT. It is mentioned in the said letter itself that when interview was taken on 09.10.2015 such documents were not kept to dispute any claim regarding presence of members. However, by signatures on marksheet of applicant and as well as on respondent since all five members were not signed it is doubtful that all were present? On applicant marksheet (P.B., Pg. No. 62, Annexure-A-6) Member Secretary and Chairman both have not signed, only three Members have signed. In case of respondent marksheet (P.B., Pg. No. 64, Annexure-A-8) Member Secretary has not signed only Chairman and other three Members have signed.

3. In view of this dispute that all the members were present or not present in the Interview dated 09/10/2015 and subsequent to that appointment

letter was issued to respondent no. 3 as per (Annexure-A-7, P.B., Pg. No. 97) which was against rule. Appointment has been given for 10 years. It is apparent that violation of procedure has been done by the respondents as per Rule 5 of the Maharashtra Village Police Patil order 1968, in which Rule 4 where term of office is mentioned as below:-

"A person may be appointed as a Police Patil for a period of 5 years in the first in the first instance, and if his work is found satisfactory during that period, his appointment may be renewable thereafter for a further term of 5 years at a time, provided that no person who has attained the age of 60 years shall continue as a Police Patil."

4. Rule 5A of appointment letter is below:-

(i) Every Police Patil, on his appointment, shall be given a letter of appointment by the competent authority in the form appended to this order; and if his appointment is renewed, the Competent Authority shall require the Police Patil to produce the letter of appointment before him, and then endorse on that letter that his appointment has been renewed for a further period of five years.

(ii) Every Police Patil who has been appointed as such before the commencement of this order shall also be given a letter of appointment in the form referred to in sub-rule (1); and there upon, the provisions of that sub-rule for renewal of the appointment shall apply.

5. Since appointment letter Annexure-A-7, P.B., Pg. No. 90-A is total violation of rule 4 and Rule 5-A of Maharashtra Village Police Patil recruitment pay and allowance and other condition of service order 1968. The said appointment letter is required to be quashed and set aside with immediate effect.

6. Shri Nilesh Ubade, Senior Clerk from the department appeared during course of hearing with some C.Ds. but it appeared that he himself was not clear that the C.Ds. which he had brought before the Tribunal are belonging to which subject?

7. The Id. counsel for the respondent no. 3 has placed on record written notes of arguments and Hon'ble Apex Court Judgment in **Niraj Janardhan Kherde Vs. The Member, Maharashtra Administrative Tribunal, Nagpur & Ors., 2002 (3) ALL MR 841.**

8. In view of discussion in above para, following order:-

1. O.A. is partly allowed.

2. Relief clause 10(i) pg. no. 8 is allowed.

3. Appointment of Police Patil by respondent no. 2 to the extent of respondent no. 3 (at P.B., Pg. No. 60) for village Choudhar Khed (Khunha) Tahsil Chandur Bazar, District Amravati is quashed and set aside with immediate effect.

4. Respondents are directed to do appointment for the said village **within four months** from the

date of this order as per existing rules and regulations. No order as to costs.

Vice Chairman

Date:-10/01/2020.
aps.

