

**O.A. No. 545/2008.**

**(DB)**

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

**Dated : 22<sup>nd</sup> April 2019**

**MCA No.36/2019.**

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

The Ld. P.O. seeks further time in  
view of order in O.A. No. 545/2008 decided  
on 23.1.2019 and time of three months was  
given. However, the Ld. P.O. seeks further  
time. In view of ensuing Lok Sabha  
elections, time is granted upto further two  
months. MCA disposed of.

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 850/2018.

(DB)

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

**Dated : 22<sup>nd</sup> April 2019**

Miss D. Joshi, Adv. holding for (Dr.)  
Mrs. R.S. Sirpurkar, the Ld. counsel for the  
applicant and Shri S.A. Sainis, Id. P.O. for  
the respondents 1 and 2. None for R.3.

At the request of Ld. P.O., S.O. **after**  
**vacation** for filing reply as a last chance.

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 192/2019.

(DB)

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

**Dated : 22<sup>nd</sup> April 2019**

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

At the request of Ld. C.P.O., S.O.  
**after vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 193/2019.

(DB)

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

**Dated : 22<sup>nd</sup> April 2019**

None for the applicant. Shri S.A.  
Deo, Id. C.P.O. for the respondent No.1.

Await service to R. 2 to 4.

At the request of Ld. C.P.O., S.O.  
**after vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 403/2018.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

**C.A. 344/2018.**

None for the applicant. Shri P.N. Warjekar, Id. P.O. for the respondents.

The applicant has filed pursis dated 8.4.2019. In para No.2, he has mentioned as under:-

“That the applicant had preferred this instant O.A. before this Tribunal for seeking a relief of quashing of the order of transfer of the applicant from Nagpur to Sindhudurg vide order Dt. 66.2018. and 11.6.2018 passed by respondent No.1. That, during the pendency of the instant O.A., the respondent No.1 had transferred the applicant from Sindhudurg to Mumbai vide order Dt. 4.2.2019 and the applicant had already joined the said posting. Hence, in view of the same, the applicant be allowed to withdraw this O.A. as become infructuous.”

In view of this, O.A. stands disposed of as withdrawn. C.A. also stands disposed of.

Member (A)

Dt. 22.4.2019.  
pdg

O.A. No. 726/2018.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

**C.A.91/2019.**

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondents 1 to 5. Shri S. Pande, Adv. holding for Shri N.D. Thobre, Adv. for R. 6 to 9.

At the request of Ld. P.O., S.O. **after vacation.**

As per order dated 5.4.2019, this O.A. be put up with O.A. No. 424/2018.

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 834/2018.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents 1 to 4 and 6. None for R.5.

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

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 224/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondent No. 1.

The Ld. counsel for the applicant submitted that notices have been served and he will file service affidavit to that effect during the course of the day.

Reply is yet to be filed. However, *Status quo* be maintained till filing of the reply.

**S.O. after summer vacation.**

Steno copies be provided to both the parties.

Member (A)

Dt. 22.4.2019.

Pdg



O.A. No. 225/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri D.M. Surjuse, Adv. holding for Shri S.C. Deshmukh, the Ld. counsel for the applicants and Shri AP.Potnis, the Ld. P.O. for the respondent No. 1.

Await service to R. 2 to 4.

S.O. **after summer vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 226/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri W.G. Paunikar, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that he will file service affidavit during the course of the day. Ld. P.O. also seeks time to file reply.

As submitted by the Ld. counsel for the applicant, letter dated 6.8.2018 (A-17, P.42) written from the Director General of Police, Mumbai to Superintendent of Police, Gadchiroli to provide relief to the applicant. The Superintendent of Police, Gadchiroli is directed to decide the said representation within four weeks from the date of this order and to provide relief to the applicant as per letter of Director General of Police, Mumbai. Meanwhile, the Ld. P.O. is directed to file reply after vacation.

S.O. **after summer vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 230/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents 1 to 3. None for R.4.

At the request of Ld. P.O., S.O. four weeks for filing reply of R. 1 to 3. Reply of R.4 is already filed.

S.O. after **summer vacation.**

Put up this O.A. with O.A. Nos. 231 and 232 of 2019.

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 1027/2018.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

None for the applicant. Heard Shri A.M. Khadatkhar, the Ld. P.O. for the respondents.

Ld. P.O. has filed reply fo R. 2 and 3 separately which are taken on record.

**ADMIT.**

Shri A.M. Khadatkhar, the Ld. P.O. waives notice for the respondents.

S.O. for final hearing in due course.

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 223/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

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

Ld. P.O. seeks time to file reply.

In view of issue involved in respect of the transfer, matter will be heard on **29.4.2019.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 273/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri P.I. Bhimte, the applicant in person and Shri M.I. Khan, the Ld. P.O. for the respondent No.1.

2. The applicant pointed out that order (A-1, P.7) and requested that his transfer may be considered as per the said order.

3. The applicant has submitted request application which is at Annexure 2 & 3 (P.8 and 9). The respondent No.3 is directed to consider the applicant's representation (Annexure 2 & 3) in the light of Govt. policy at Annexure A-1 within four weeks from the date of this order. Meanwhile, the Ld. P.O. is directed to file reply.

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

5. Issue notices to R. 2 to 4 returnable after four weeks.

6. Shri M.I. Khan, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

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. **four weeks.**

Member (A)

Dt. 22.4.2019.

Pdg



O.A. No. 191/2019.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

None for the applicant. Shri P.N.  
Warjukar, the Ld. P.O. for the respondent No.1.

Await service to R.2.

S.O. **after summer vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

**O.A. No. 216/2019.**

**(SB)**

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri D.M. Surjuse, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent No.1.

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

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

4. The Ld. counsel for the applicant is directed to remove office objections.

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.

10. S.O. **four weeks.**

Member (A)

Dt. 22.4.2019.

Pdg

**O.A. No. 274/2019.**

**(SB)**

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri D.M. Surjuse, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondent No.1.

Objections raised at Page Nos. 79 & 80 be removed today itself.

2. Issue notice to respondent Nos. 2 and 3 returnable after four weeks after removing objections.

3. Shri M.I. Khan, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

4. The Ld. counsel for the applicant is directed to remove office objections.

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.

10. S.O. **four weeks.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 278/2018.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **after summer vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 826/2015.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Heard Miss Rucha Pande, Adv. holding for Shri R. Joshi, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **after summer vacation.**

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No. 963/2017.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

Shri O.Y. Kashid, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **after summer vacation.**

Member (A)

Dt. 22.4.2019.

Pdg



**O.A. No. 976/2017.**

**(SB)**

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

**Dated : 22<sup>nd</sup> April 2019**

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

2. The Ld. counsel for the applicant pointed out in O.A. No. 746/2014 the order passed on 12.8.2016. In para 14 (P.32), following observations have been made:-

“It is manifest that these additional benefits are given for that type of work. That does not mean that they cannot avail regular benefit of enjoying the earned leave and other benefits of prefixing and suffixing. The general G.Rs issued by the GAD are applicable to all Govt. servants and the same are reiterated in the provisions of Police Manual referred to above. In that view of the matter, rejection of application of the applicant dated 26.6.2014 is not proper and correct. Consequently, the order dated 26.6.2014 rejecting applicant’s application is quashed. No order as to costs.”

3. Judgment in O.A. No.746/2014 should be treated as judgment in rem and also cases would be decided as per the said judgment.

4. Steno copy be provided to the Ld. P.O.

Member (A)

Dt. 22.4.2019.

Pdg

O.A. No.974 /2018.

(SB)

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

**Dated : 22<sup>nd</sup> April 2019**

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

It is the standard practice that whenever pay fixation is done, undertaking is taken from the employee by the department that if there is any excess payment due to wrong pay fixation, employee will refund the excess payment made to him. Whether such undertaking has been taken from the applicant, this should be clarified. Ld. P.O. is directed to take instructions in this regard.

S.O. **two weeks.**

To be treated as part heard.

Steno copy be provided to the Ld. P.O.

Member (A)

Dt. 22.4.2019.

Pdg