

O.A. No. 499/2002. (D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

**M.C.A. Nos. 08 and 09 of 2019.**

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **two weeks** for filing reply to the application for condonation of delay.

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

**O.A. Nos. 02 and 03 of 2013.  
(D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
Dated : 23<sup>rd</sup> July 2019.**

**R.A. No.20/2019.**

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

In this case, it is not necessary to file reply, as all the contentions raised are already examined and decided. Review Application be fixed for final hearing.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 324/2019.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

Heard Shri J.S. 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. **5<sup>th</sup> September 2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

**O.A. Nos. 341 & 342 of 2019.  
(D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
Dated : 23<sup>rd</sup> July 2019.**

Heard Shri W.N. Nayse, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

Ld. P.O. has filed reply of R.4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

**ADMIT.**

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

S.O. **in due course** for final hearing.

The Ld. counsel for the applicant is at liberty to file rejoinder.

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 41/2019.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

**C.A. No.285/2019.**

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. Miss Megha Shinde, Adv. holding for Shri A.R. Fule, Advocate for R. 4 and 5.

Ld. P.O. submits that he is intending to file reply to the C.A.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 296/2019.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

Heard Shri V.R. Borkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. Nos. 302,242,243,244,245,246 & 424 of 2019.  
(D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
Dated : 23<sup>rd</sup> July 2019.**

Heard Shri J.S. Deshmukh, the Ld. counsel for the applicants and Shri P.N. Warjukar, the learned P.O. for the respondents 1 to 3. None for R.4.

**S.O. 5<sup>th</sup> September 2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 326/2017.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

**C.P. 02/2019.**

Heard Shri W.N. Nayse, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

S.O. **25.7.2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.



O.A. No. 524/2019.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

Heard Shri W.G. Paunikar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

2. Issue notice to respondent Nos.2 to 6 returnable on **13.8.2019.**

3. Shri A.M. Ghogre, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

3-A. 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. 13.8.2019.

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 257/2016.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

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

S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 431/2018.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

Shri W.Y. Nayse, 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.

S.O. **25.7.2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 761/2018.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. None for R.4 and 5. Shri R.V. Bansode, Adv. for R.3.

At the request of the Ld. counsel for the applicant, S.O. **25.7.2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 42/2019.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

**C.A. 157/2019.**

Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of the Ld.P.O., S.O.

**25.7.2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

O.A. No. 619/2015.

(D.B.)

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

**Dated : 23<sup>rd</sup> July 2019.**

Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. None for R.4.

At the request of the Ld.P.O., S.O.

**25.7.2019.**

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

**O.A. No. 961/2018. (D.B.)**

**(D.T. Rehpade V/s State and others)**

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

**Dated : 23<sup>rd</sup> July 2019.**

Heard Shri S.G. Karmarkar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 6. None for R.7 to 17.

2. It is submitted that in the seniority list, name of the applicant was at Sr. No. 170. But due to mistake, his educational qualification was shown as B.V.Sc. and A.H. It is contention of the applicant that he was possessing degree and he was senior to respondent Nos. 7 to 17. The respondent No.7 was at Sr. No.172 in the seniority list. It is submitted that the applicant requested the department to rectify the mistake and accordingly letter dated 18.1.2019 was written by Section Officer, Govt. of Maharashtra to the Deputy Secretary (Establishment), Rural Development Department and direction was given that as the applicant was B.V.Sc. and A.H., therefore, rectification be made in the seniority list. It seems that as per letter



dated 8.2.2019, intimation was given to the P.O. that on 8.2.2019, the respondent No.1 issued corrigendum and correct the name and educational qualification of the applicant on page No.58, copy of corrigendum is placed on record.

3. Thus, it seems from the fact that, though the respondent Nos. 7 to 17 were junior to the applicant, but they were promoted, as the educational qualification of the applicant was wrongly mentioned in the seniority list and now that error is rectified. Therefore, we think it suitable to direct the respondent No.1 to consider the case of the applicant for his promotion on the post of Livestock Development Officer and in the event if it is held that the applicant was otherwise suitable for promotion, then he be given deemed date. The respondent Nos. 1 and 3 are directed to take decision in this matter within a period of three months from the date of this order.

O,A. stands disposed of.

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

Member (J)

Vice-Chairman

Dt. 23.7.2019.

pdg.

**O.A. Nos. 1004, 1005 & 1006/2018 (S.B.)**

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

**Dated : 23<sup>rd</sup> July 2019.**

Shri D.P.Chambhare, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. As pointed out by Id. P.O., in the synopsis of the O.A. at P.B., Pg. No. II, at Sr. No. 07, applicant has admitted that "*Respondents filed Writ Petition No. 4681/2009 for challenging the order of Industrial Court and Labour Court as well.*" On 09.07.2010, Hon'ble High Court allowed the Writ Petition filed by the respondent and thereby remanded the matter to the Labour Court, restoring the original complaint U.L.P. No. 29/2001. At Sr.

No. 9, *The Labour Court Yavatmal dismissed the complaint filed by the petitioner.*

3. If, the Id. counsel for the applicant is aggrieved by the order of the Industrial Court they may approach to the Hon'ble High Court and not to Maharashtra Administrative Tribunal.

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

**Vice Chairman**

**Date:-23/07/2019.**  
aps.

**O.A. No. 549/2019 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

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

2. By record it appears that vide (Annexure-A-3) at P.B., Pg. No. 14, applicant was posted at Assistant Director, Health Services, Akola on vacant post as per applicant's request. However, as pointed out by Id. counsel for the applicant as per Annexure-A-7, P.B., Pg. No. 18, applicant was suspended vide order dated 26/09/2018. As submitted by Id. counsel for the applicant, till now no chargesheet has been filed.

3. The Id. counsel for the applicant also relied on the Judgment of MAT Mumbai in O.A. No. 926/2018 delivered on 04.01.2019. The Id. counsel for the applicant submits that the applicant's case of present O.A. is similar to O.A. No. 926/2018 before the Principle Bench.

4. In view of the above facts, respondents are directed to take decision and revoke the suspension order of the applicant as per the Government Policy and Government G.R. No. 'kl u fu. k' d'nd f u i v k & 1118@i z d z 11@11v] f n u k d 09-

07-2019 **within three weeks** from the date of this order.

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

**Vice Chairman**

**Date:-23/07/2019.**  
aps.

**O.A. Nos. 422 & 423/2019 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

Heard Shri J.S.Deshmukh, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 6.

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

**3. S.O. 05/09/2019.**

**Vice Chairman**

**Date:-23/07/2019.**  
aps.

**O.A. No. 567/2019 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

**C.A.No. 280/2019:-**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed C.A. No. 280/2019 for Jt. O.A.. Since both the applicants are of same cause and same remedy is required. So, **C.A. No. 280/2019 is allowed and disposed of.**

3. The Id. counsel for the applicant has relied on the G.R. No. 306/2000 dated 06-08-2002 at P.B., Pg. No. 11 in the said G.R. at Para no. 7 benefits has been given to the employees working in Tribal & Naxal Affected Area for one step above post. As per Annexure-A-5, P.B., Pg. No. 27, applicant is a Forest Guard and applicant pay was fixed on 11/01/2008 to the level of Forester and his basic pay was fixed at Rs.7510/- with G.P. Rs.2400/-.

4. However, in impugned order at Annexure-A-4, P.B., Pg. No. 24, the applicant pay has been fixed on 01.07.2009 with Pay

Band Rs.5200-20200/- with G.P. Rs.2400/- vide order dated 28.06.2019.

5. Issue notice to the respondents. Till now, the impugned order at Annexure-A-9, P.B., Pg. No. 34 and Annexure-A-11 at P.B., Pg. No. 39 order dated 28/06/2019 **both these orders are stayed till filing of the reply.**

6. Issue notice to R-2 to 4, returnable on 06-08-2019. Learned P.O. waives notice for R-1. Hamdast allowed.

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. 06-08-2019.**

13. *Steno copy is allowed.*

**Vice Chairman**

**Date:-23/07/2019.**

aps.

**O.A. No. 568/2019 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has again relied upon the G.R. No. ~~del~~ ~~fvkj, Q&2000@i7dz3@ckjk] fnukd~~ 06-08-2002 at Annexure-A-1, P.B., Pg. No. 08 in the said G.R. at Para no. 7 at P.B., Pg. No. 13, the Id. counsel for the applicant submits that applicant pay was fixed on 14/12/2015 at one step above post in which pay was Rs. 10,900/- with G.P. Rs. 4400/- as per Annexure-A-5, P.B., Pg. No. 21.

3. However, subsequently, as per Annexure-A-6, Pg. No. 22, applicant pay has been fixed as on 01/07/2016, basic pay was Rs. 9600 with G.P. Rs. 4400/-.

4. Aggrieved with this revised order, applicant has approached to this Tribunal. The Id. P.O. seeks time to file reply. In order **dated 28.06.2019 at Annexure-A-6, P.B., Pg. No. 22 is stayed till filing of the reply.**

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

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. 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.

10. 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.

11. **S.O. two weeks.**

**Vice Chairman**

**Date:-23/07/2019.**  
aps.

**O.A. Nos. 161, 162, 163, 165, 166/2015 & 48/2016 with C.A. Nos. 26, 422, 423, 424, 425, 426 & 427/2018 (S.B.)**

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

**Dated : 23<sup>rd</sup> July 2019.**

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

2. The Id. P.O. has filed C.As. for vacating the interim order dated 05.05.2016. Since O.As. are now at the stage of final hearing. Hence, all the C.As. and O.As. are heard together. The C.A. No. 26 is disposed of. The C.A. Nos. 422, 423, 424, 425, 426, 427/2018 are allowed and disposed of.

3. The Id. counsel for the applicant has relied on the Judgment in W.P.No. 2046/2010 which is at P.B., Pg. No. 145 (Annexure-A-38) and MAT Judgment in O.A. No. 150/2015 at P.B., Pg. No. 135 and O.A. No. 165/2015 has been filed for discussion only. The registry is directed to correct the paging. So, the paging of Ld. counsel, Id. P.O. and office paging should be match.

4. The Id. P.O. submits that he needs to go through the documents and desires time for

the same. At his request, **S.O. Friday i.e. 26.07.2019.**

**Vice Chairman**

**Date:-23/07/2019.**  
aps.

O.A. No. 631/2016 (S.B.)

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

**Dated: 23<sup>rd</sup> July 2019.**

Heard Shri S.G.Jagtap, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel is going to file vakalatnama on behalf of the respondent nos. 2 to 4.

2. The Id. counsel for the applicant has also relied on the G.R. No. 'kkI u fu.kz deld fuiu&1118@izdz11@11v] fnukd 09-07-2019. It is marked Exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. The respondents are directed to take decision as per the G.R. No. 'kkI u fu.kz deld fuiu&1118@izdz11@11v] fnukd 09-07-2019- The same G.R. para no. 1 (ii) says that:- fuyfcr 'kkI dh; I ddkk; k T; k izdj.kh 3 efgU; kR; k dkyko/khr foHkxh; plcd' kh I q d: u nskkjsi i= ctlo.; kr vkysukgh] v'kk izdj.kh ek- I okp U; k; ky; kps vkns k i kgrk] fuyzu I eklr dj.; kf'kok; vU; i; kz jkgr ulgh- It is as per their own G.R., the decision must be taken within **four weeks** from the date of this order and communicate to the applicant and filed it in the Tribunal too.

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

**Vice Chairman**

**Date:-23/07/2019.**  
aps.



**O.A. Nos. 664 & 966/2017 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

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

2. In O.A. Nos. 664 & 966/17 the applicants have similar grievances. The Government of Maharashtra have issued G.R. No. 'कलु फु.कड दकड & , u , , DI & 0809@i z d z 500@fo-'क-1 c] फु.कड 11-01-2010 at Annexure-A-3, P.B., Pg. No. 15 which has been applicable for giving 1½ times salary and D.A. w.e.f. 01/01/2010 to 31/12/2011 to Police Officers working in sensitive areas in that G.R. wireless section persons are included. As per area declared vide G.R. No. 'कलु फु.कड दकड & , u , , DI & 0809@i z d z 500@fo-'क-1 c] फु.कड 03-11-2009 at P.B., Pg. No. 13 (Annexure-A-2), the Government of Maharashtra has constituted a committee and as per the committee vide order dated 03.11.2009 at P.B., Pg. No. 13, they had declared Police Stations, Sub Police Stations and Advanced Out Post as a very sensitive area. The list has been given in the said G.R. and Clause 2 from Sr. Nos. 1 to 7 following lists has been given at P.B., Pg. No. 14.

3. The Government of Maharashtra in Home Department issued G.R. No. 'कलु फु.क. देलु & , u, , DI 1110@i:dz:499@fo'क&1 c] फुलु 18-02-2011 at P.B., Pg. No. 21 (Annexure-A-4) and on P.B., Pg. No. 36, the lists have been given which are showing the sensitive areas along with the certain categories which are listed below Sr. Nos. 1 to 9 in which they had included wireless Section at Sr. No. 5 (Radio Mechanics, Electricians, Wireless Operators, Workshop Hands (helper)).

4. The applicant's claim is that they were entitled as per G.R. dated 11/01/2010. As submitted by Id. counsel for the applicant, that this category at Sr. No. 5 i.e. (Radio Mechanics, Electricians, Wireless Operators, Workshop Hands (helper)) were included in the lists of Higher Sensitive. People working in Higher Sensitive area vide G.R. dated 11/01/2010, this order is valid from 01.01.2010 to 31.12.2011 i.e. for two years. Ideally, these people should have been given benefits from as per the G.R. dated 11/01/2011 i.e. 01.01.2010. But in any case since they were included in this list vide G.R. No. , u, , DI 1110@i:dz:499@fo'क&1 c] फुलु 18-02-2011 at P.B., Pg. No. 148 at (Annexure-A-4). There was no reason that they should not have been paid from the date of this G.R. dated 18/02/2011

because in the said G.R. effective date is not mentioned. In such situation date of issue of G.R. is become the effective date. Considering whole issue, it appears that applicant's were in that category from initial stage itself. However, department included them in the categories of employees working in hyper sensitive area from 03.11.2009 after their representation.

5. In the interest of Justice and equity, ideally these employees should have been given benefits of G.R. dated 11/01/2011 and they should be paid all the benefits from 01.01.2010 till the benefit of this G.R. are given to other employees in other hyper sensitive area. The payment should be calculated and paid **within three months** period and compliance should be filed before this Tribunal.

6. With the above directions, **O.A. Nos. 664 & 966/2017 are disposed of with no order as to costs.**

**Vice Chairman**

**Date:-23/07/2019.**

aps.

**O.A. No. 592/2017 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

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

**2. S.O. tomorrow i.e. 24.07.2019.**

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

**Vice Chairman**

**Date:-23/07/2019.**

aps.

**O.A. No. 116/2019 (S.B.)**

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

**Dated: 23<sup>rd</sup> July 2019.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3 and Ms. Surabhi holding for Shri R.Joshi, the Id. counsel for the respondent no. 4.

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

**Vice Chairman**

**Date:-23/07/2019.**

aps.

O.A. No. 622/2018 **(SB)**

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

**Dated : 23.07.2019**

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 5<sup>th</sup> September,2019.**

**Member (J)**

dnk.

O.A. No. 920/2018 **(SB)**

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

**Dated : 23.07.2019**

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3 & 6. None for R-5.

At the request of learned counsel for the applicant, **S.O. 5<sup>th</sup> September,2019.**

**Member (J)**

dnk.

O.A. Nos. 240 & 241 of 2019 **(SB)**

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

**Dated : 23.07.2019**

Shri J.S. Deshmukh, Id. counsel for the applicants and S.A. Sainis, Id. P.O. for R-1 to 5. Await service of R-6.

The learned counsel for the applicants submitted that he will file service affidavit of R-6 on the next date and for that purpose he seeks time.

At the request of learned counsel for the applicants, **S.O. 5<sup>th</sup> September,2019.**

**Member (J)**

dnk.

O.A. No. 382/2019 **(SB)**

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

**Dated : 23.07.2019**



None for the applicant. Shri A.M. Ghogre, 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. 442/2019 **(SB)**

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

**Dated** : **23.07.2019**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M.

Ghogre, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submitted that he has already filed service affidavit of R-4.

3. The learned P.O. has filed reply on behalf of R-2&3 and informed that it is sufficient to decide the O.A., Hence, **Admit.**

**S.O. 7/8/2019.**

**Member (J)**

dnk.

O.A. No. 525/2019 **(SB)**

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

**Dated : 23.07.2019**

Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for the applicant seeks further time to file service affidavit of R-2&3. At her request, **S.O. two weeks.**

**Member (J)**

dnk.

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

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

**Dated : 23.07.2019**

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

2. The learned P.O. has filed the copy of the letter received from the Sub-Divisional Engineer, Amravati. It is mentioned in the letter that the applicant is not discharging

the work of Peon, he is discharging the work of Class-III employee. The officer at the office of Sub-Divisional Engineer is present. It is submitted by the learned P.O. that the Department will file affidavit for which one week time is required.

3. At the request of Id. P.O., **S.O. one week.**

**Member (J)**

dnk.

O.A. No. 554/2015 (SB)

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

**Dated : 23.07.2019**

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

The learned counsel for the applicant has produced the G.R. The matter is already finally heard. Hence, it is **closed for orders.**

**Member (J)**

dnk.

O.A. Nos. 445,446 & 447 of 2015 **(SB)**

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

**Dated : 23.07.2019**

Heard Shri Arpit Gajbhiye, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for R-1 to 3 & 5. None for R-4.

2. It is grievance of the applicants that without giving them opportunity of hearing, their pay was reduced after their retirement and on the basis of the reduced pay, their pensions are fixed, therefore, there is material illegality in the pay fixation and fixation of the pension.

3. It is contention of the respondents that wrongly benefits of time bound promotion were given to the applicants w.e.f. 01/10/1994, but the applicants were not entitled for the benefit as per the G.R. issued in the year 1995. In this

situation, the learned P.O. is directed to produce the G.R. issued in the year, 1995.

**S.O. one week.**

**Member (J)**

dnk.

O.A. No. 923/2017 **(SB)**

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

**Dated : 23.07.2019**

Heard Mrs. V. Chimurkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2&5 and Shri S. Majid, Id. counsel for R-3&4.

2. The respondent nos. 3&4 are directed to produce the Attendance Roll of the relevant period from the Primary Health Center where the applicant was doing duty in the months of December,2016, January, 2017 to May, 2017.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 222/2017 **(SB)**

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

**Dated : 23.07.2019**

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. As the learned counsel for the applicant has filed the Ruling on record, therefore, liberty is given to the learned P.O. to answer the said Ruling.

**S.O. 30/07/2019. (PH).**

**Member (J)**

dnk.

O.A. No. 573/2019 **(SB)**

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

**Dated : 23.07.2019**

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

2. Vide order dated 6/3/2019 the applicant was transferred to Sakoli, Dist. Bhandara. This posting was inconvenient to the applicant as her mother was suffering from Cancer, consequently, representation was made by the applicant. It was considered and the applicant was transferred from Sakoli, District Bhandara to Police Rural Hospital, Nagpur. It is submitted that in pursuance of the transfer order dated 28/5/2019 the applicant resumed her duty at Police Rural Hospital, Nagpur.

3. It is submitted that the respondent no.1 all of a sudden issued order dated 19/7/2019 and posted Dr. S.R. Lunge who is respondent no.4 at Police Rural Hospital, Nagpur. It is apprehension of the applicant



that there is a likelihood of her transfer. As there is only post of Medical Officer at the Police Rural Hospital, Nagpur and as the applicant is recently transferred from Sakoli, District Bhandara to Nagpur vide order dated 28/5/2019, she has not completed the normal tenure and on request she was posted at Nagpur, therefore, so far as the applicant is concerned, the respondent nos.1 to 3 are directed not to relieve the applicant from her present posting till filing of the reply by the respondents.

4. Issue notice to R-2 to 4, returnable **after two weeks**. 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 two weeks.**

**Member (J)**

dnk.

O.A. No. 392/2019 (SB)

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

**Dated** : **23.07.2019**

Heard Smt. S.S. Dashputre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. It is submitted that the present application was filed by the applicant for challenging her transfer order to Nanded mainly on the ground that mother of the applicant was suffering from Cancer and now she is no more. It is submitted that if direction is given to the respondents to consider the family difficulties of the applicant at the time of general transfers of 2020, it will be sufficient relief to the applicant. In the result, I pass the following order-

**ORDER**

The respondents are directed to consider the representation of the applicant at the time of general transfers of 2020. The applicant is at liberty to make representation to inform choice posting. With this, the O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.

\*\*\*\*\*