

O.A. 551/2018 (D.B.)

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

Dated : 27/02/2020.

Shri Pranit Vairagade, Id. counsel holding for Shri B. Dafle, Id .counsel for the applicant and Shri Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

dnk.

C.P. 03/2019 in O.A. 532/2017 (D.B.)

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

Dated : 27/02/2020.

Heard Shri R.V. Shiralkar, Id. counsel for the applicants, Shri M.I. Khan, Id. P.O. for R-1 and Shri A.M. Kukday, learned counsel for R-2 to 4.

2. The learned counsel for R-2 to 4 submits that out of 27 applicants about 10 applicants have been paid their dues and the bills of other remaining applicants' have been sent to the Treasury, therefore, he seeks further time for payment to the remaining applicants.

S.O. 19/3/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 1007/2018 (D.B.)

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

Dated : 27/02/2020.

C.A. 70/2020 -

Heard Shri S.C. Deshmukh, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for R-1 to 3 and Shri G.K. Bhusari, learned counsel for 24,82,97,115, 118, 143, 154, 160 & 174 and none for other respondents.

2. For the reasons stated in the application, the C.A.No. 70/2020 is allowed. The necessary amendment be carried out within one week and amended copies be supplied to the other sides.

O.A. 1007/2018 -

Heard Shri S.C. Deshmukh, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for R-1 to 3 and Shri G.K. Bhusari, learned counsel for 24,82,97,115, 118, 143, 154, 160 & 174 and none for other respondents.

2. After amendment, Issue notice to the newly added respondents returnable **in four weeks**. 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. four weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 43/2019 in O.A. 600/2019 (D.B.)

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

Dated : 27/02/2020.

Heard Shri G.G. Bade, learned counsel for the applicant and shri A.M. Khadatkar, learned P.O. for the respondents.

2. The learned P.O. has filed G.R. dated 17/2/2020 issued by the Public Health Department in which it seems that the corrigendum has been issued and therefore the applicant's grievance has been resolved. Copy of the same is taken on record and marked Exh-X. However, the learned counsel for the applicant desires one week time to go through the same.

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

Member (J)

Vice-Chairman

dnk.

O.A. 798/2019 (D.B.)

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

Dated : 27/02/2020.

Heard Smt. K.N. Saboo, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for R-1&2 and Shri S. Khandekar, learned counsel for R-3. None for R-4.

The learned P.O. files reply on behalf of R-2. It is taken on record. The learned P.O. submitted that reply of R-2 is sufficient to decide the matter.

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

The learned P.O. waives notice for R-1&2.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

C.P. 05/2020 in O.A. 712/2019 (D.B.)

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

Dated : 27/02/2020.

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

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

The learned counsel for the applicant desires time to file rejoinder. At his request, **S.O. three weeks.**

Member (J)

Vice-Chairman

dnk.

C.P. 04/2019 in O.A. 378/2018 (D.B.)

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

Dated : 27/02/2020.

Shri R.V. Shiralkar, learned counsel holding for Shri M.R. Khan, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

Shri Shiralkar, learned counsel submits that Shri M.R. Khan, learned counsel for the applicant is not feeling well and therefore he seeks two weeks time. At his request, **S.O. two weeks.**

Put up along with other connected matter.

Member (J)

Vice-Chairman

dnk.

O.A. 378/2018 (D.B.)

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

Dated : 27/02/2020.

C.A. 36/2019 in O.A. 378/2018

Shri R.V. Shiralkar, learned counsel holding for Shri M.R. Khan, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

Shri Shiralkar, learned counsel submits that Shri M.R. Khan, learned counsel for the applicant is not feeling well and therefore he seeks two weeks time. At his request, **S.O. two weeks.**

Put up along with other connected matter.

Member (J)

Vice-Chairman

dnk.

C.P. 32/2019 in O.A. 542/2017 (D.B.)

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

Dated : 27/02/2020.

Heard Shri Bharat Kulkarni, learned counsel for the applicants and Shri P.N. Warjurkar, learned P.O. for the respondents.

The learned counsel for the applicant has produced copy of order dated 25/2/2020 passed by the Hon'ble High Court, Bench at Nagpur in Writ Petition No.1072/2020 in which the matter is kept on 21/4/2020, therefore, this matter also be kept after 21/4/2020.

S.O. 27/4/2020.

Member (J)

Vice-Chairman

dnk.

C.P. 48/2019 in O.A. 586/2018 (D.B.)

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

Dated : 27/02/2020.

Shri S.A. Marathe, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

At the request of learned P.O.,**S.O.**
5/3/2020.

Member (J)

Vice-Chairman

dnk.

C.P. 49/2019 in O.A. 52/2015 (D.B.)

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

Dated : 27/02/2020.

Heard Shri D. Karnik, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

2. Issue Notice to the respondent Nos. 2 to 4 returnable after **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.
3. Shri M.I. Khan, the learned P.O. waives notice for respondent No.1. Hamdast granted.
4. **S.O. after four weeks.**

Member (J)

Vice-Chairman

dnk.

C.P. 50/2019 in O.A. 55/2015 (D.B.)

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

Dated : 27/02/2020.

Heard Shri D. Karnik, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

2. Issue Notice to the respondent Nos. 2 to 4 returnable after **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.
3. Shri M.I. Khan, the learned P.O. waives notice for respondent No.1. Hamdast granted.
4. **S.O. after four weeks.**

Member (J)

Vice-Chairman

dnk.

C.P. 08/2020 in O.A. 444/2015 (D.B.)

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

Dated : 27/02/2020.

Heard Shri N.B. Bargat, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the State.

2. Issue Notice to the respondent Nos. 1 to 3 returnable after **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.
3. Shri M.I. Khan, the learned P.O. waives notice for respondent No.4. Hamdast granted.
4. **S.O. after four weeks.**

Member (J)

Vice-Chairman

dnk.

C.P. 17/2019 in O.A. 516/2017 (D.B.)

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

Dated : 27/02/2020.

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

2. The learned P.O. has pointed out that the letter dated 16/4/2019 issued by the Home Department by which the respondents have complied the order of this Tribunal dated 19/11/2018. They have considered the care of the applicant and they have given the reasons for their decision. Hence, the Contempt Petition does not survive.

3. The learned counsel for the applicant is at liberty to challenge the said order. The learned counsel for the applicant desires to file reply.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 1025/2018 (D.B.)

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

Dated : 27/02/2020.

Heard Shri N.B. Rathod, shri A.M. Khadatkar, learned P.O. for R-1&2 and Shri Rohit Vaidya, learned counsel holding for Shri A. Parchure, ld. counsel for R-4.

2. The report issued by the Mumbai University (P-285 to 291) has been discussed.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 961/2012 (D.B.)

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

Dated : 27/02/2020.

Heard Shri J.R. Kidilay, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

Similar matter is pending before the Hon'ble High Court, therefore, this matter be kept after three months.

S.O. after three months.

Member (J)

Vice-Chairman

dnk.

O.A. 157/2019 (D.B.)

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

Dated : 27/02/2020.

There is a leave note from Shri S.P. Palshikar, learned counsel for the applicant. Shri M.I. Khan, learned P.O. for the respondents.

S.O. four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 264/2019 (D.B.)

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

Dated : 27/02/2020.

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

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 38/2018 (D.B.)

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

Dated : 27/02/2020.

Heard Shri G.M. Shitut, learned counsel for the applicant and shri M.I. Khan, learned P.O. for the respondents.

2. The matter is partly heard. The learned P.O. is directed to produce the minutes of the DPC held in 2002 & 2004.

S.O. two weeks (PH).

Member (J)

Vice-Chairman

dnk.

O.A. 140/2020 (D.B.)

(D.B. Dhote Vs. State of Mah. & Ors.)

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

Dated : 27/02/2020.

Heard Shri A. Y. Sharma, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. It is case of the applicant that vide order dated 28/2/2017, he was appointed on contract basis for a period of two years by issuing the appointment orders for a period of 11 months. Thereafter, subsequent order was passed on 20/2/2019 and further extension of 11 months was granted to the applicant and that period would expire on 28/2/2020. In the meantime, the respondents have issued fresh advertisement to fill the post and as per the Condition No.12 in the advertisement, it was declared by the Department that the persons who are already engaged in work under the Ekatmik Balsaurankhshan Yojana would be given preference, but they shall apply for the recruitment. The applicant has applied for the recruitment and he was called for the interview.

3. It is apprehension of the applicant that the respondents are not publishing the result for the recruitment process and tomorrow his

services would be terminated and therefore interim protection be given. In our opinion, the applicant was engaged in service for a period of 11 months and that period would expire tomorrow. If the blanket protection is given, then there is a danger that the applicant would claim continuity of service and it is not permissible. At the most, the applicant can claim that he has a preferential right to be continued in service for two more years as his performance is satisfactory and upto the mark. Under these circumstances, as the recruitment process is going on, we direct the respondents to consider the performance of the applicant and shall consider his case in terms of Clause No.12 of their advertisement for giving him preference.

4. Issue notice to the respondents, returnable **in two weeks**. Learned C.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. two weeks.

Steno copy be supplied.

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 : 27/02/2020.

C.A. No. 38/2020 -

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for R-1&2 and Shri D.M. Kakani, learned counsel for R-3&4.

For order.

Member (J)

Vice-Chairman

dnk.
* * *

O.A. No. 634/2019 **(SB)**

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

Dated : 27.02.2020

Shri R.V. Shiralkar, learned counsel for the applicant, Shri A.M. Ghogre, learned P.O. for R-1 and Shri J.B. Kasat, learned counsel for R-2.

2. The learned P.O. files affidavit in reply to the rejoinder filed behalf of the applicant. It is taken on record. Copy is served on the applicant. The learned counsel for the applicant wants to go through the same.

S.O. 19/3/2020.

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 901/2018 **(SB)**

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

Dated : 27.02.2020

Shri Vishal Anand, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 5/3/2020**.

Member (J)

dnk.

O.A. No. 501/2017 (SB)

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

Dated : 27.02.2020

C.A. 28/2020 -

Heard Shri S.R. Charpe, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A.No.28/2020 is allowed. Necessary amendment be carried out within two weeks.

O.A. 501/2017 -

S.O. two weeks.

Member (J)

dnk.

O.A. No. 636/2019 (SB)

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

Dated : 27.02.2020

Shri P.A. Jibhkate, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1 to 4. None for R-5.

The learned P.O. files reply on behalf of R-1 to 4. It is taken on record. Copy is served on the applicant.

S.O. 3/3/2020.

Member (J)

dnk.

O.A. No. 836/2019 (SB)

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

Dated : 27.02.2020

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

2. The learned P.O. has produced order dated 18/2/2020. As per this order the impugned transfer order dated 31/5/2019 is set aside and now the applicant is posted at Nagpur. In view of this, there is no substance in the O.A. Hence it is disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 873/2019 **(SB)**

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

Dated : 27.02.2020

Shri S.A. Radke, learned counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri S.Khandekar, Id. counsel for R-3.

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

Member (J)

dnk.

O.A. No. 1042/2019 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 27.02.2020

Shri A. Girdekar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. counsel for R-1. Await service of R-2 to 4.

The learned counsel for the applicant submitted that all the respondents have served and he would file service affidavit during the course of day.

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

Member (J)

dnk.

O.A. No. 676/2017 (SB)

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 27.02.2020

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1. Shri E. Patel, Id .counsel holding for Shri H.D. Marathe, Id. counsel for R-2 and none for 3 to 5.

S.O. Next week.

Member (J)

dnk.

O.A. No. 57/2020 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 27.02.2020

Shri N.S. Ingle, Id. counsel holding for
Shri P.S. Wathore, Id. counsel for the applicant
and Shri A.P. Potnis, Id. P.O. for R-1.

Notice of R-2 is yet not collected.

At the request of learned counsel for the
applicant, **S.O. one week** for collecting the
notice.

Member (J)

dnk.

O.A. No. 138/2020 **(SB)**

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

Dated : 27.02.2020

Heard Shri A.D. Girdekar, learned counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 & 3, returnable **in two weeks**. Learned C.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. two weeks.

Member (J)

dnk.

O.A. No. 141/2020 **(SB)**

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

Dated : **27.02.2020**

Heard Shri G.R. Sadar, learned counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. I have perused the impugned order dated 18/2/2020. This mid-term transfer order is issued in terms of the final order passed in O.A.382/2019. The applicant has completed the period more than two normal tenures and there were other circumstances for his transfer, apparently, I do not see any reason to entertain this application.

3. The learned counsel for the applicant submitted that he be permitted to withdraw the application with liberty to make representation, therefore, the O.A. is disposed off as withdrawn with liberty to make representation. No order as to costs.

Member (J)

dnk.

O.A. No. 125/2017 **(SB)**

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

Dated : 27.02.2020

Shri S.M. Khan, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

Member (J)

dnk.

O.A. Nos. 648,652,653,654 & 655 of 2019 (SB)

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

Dated : 27.02.2020

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

Closed for orders.

Member (J)

dnk.

O.A. No. 816/2019 (SB)

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

Dated : 27.02.2020

Heard Shri A.M. Tirukh, learned counsel for the applicant and shri A.M. Ghogre, learned P.O. for the respondents.

2. It is submitted that the representation of the applicant dated 26/12/2015 is yet not decided by the Government. It is request of the applicant for his from Bhandara to Akola District. As the applicant is seeking inter division transfer, therefore, the decision is to be taken by the Government.

3. In view thereof, the respondent no.1 is directed to decide the representation of the applicant dated 26/12/2015 within three months from the date of this order.

4. The O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 348/2019 (SB)

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

Dated : 27.02.2020

Shri G.K. Bhusari, Id. counsel holding for
Shri S.N. Gaikwad, 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. 550/2019 (SB)

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

Dated : 27.02.2020

Shri G.K. Bhusari, Id. counsel holding for
Shri S.N. Gaikwad, 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. 974/2019 (SB)

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

Dated : 27.02.2020

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

2. The applicant has made representation dated 24/1/2020 to the respondent no.1 and requested to continue him at Malkapur till April,2020. In view of this, the respondents are directed to consider the representation of the applicant and decide the same within a period of two months from the date of this order.

3. The O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

** **

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.**

C.A.No.52/2020:-

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

2. **C.A.No.52/2020 for early hearing is
allowed.**

3. **S.O. four weeks.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.320/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

C.A.No.178/2019:-

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. **C.A.No.178/2019 for Jt. O.A. is allowed.**

3. **S.O. three weeks.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.Nos.910&911/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received the para wise comment. He further seeks time to file reply; **S.O. two weeks.**

Date:-27/02/2020.
aps.

Vice Chairman

O.A.Nos.1018&1019/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.**

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

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

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.643/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

C.A.412/2019:-

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

2. Reply has already been filed by respondent nos. 2 & 3. The Id. counsel for the applicant has filed Rejoinder and submits that applicant has submitted representation dated 04.11.2016 (P.B., Pg. No. 13) to respondent no. 2 and he is also filed Rejoinder to the reply submitted by respondent nos. 2 & 3 and he submits that similar placed employees like applicant in S.R.P.F. have been granted relief as requested by applicant in his representation dated 04.11.2016 at P.B., Pg. Nos. 13 & 14.

3. In view of this, following order is passed:-

ORDER

1. The respondent no. 2 is directed to decide the applicant's application dated 04.11.2016 at P.B., Pg. No. 13 as per similar placed employees in S.R.P.F. **within one month** from the date of this order. .
2. With this direction, **C.A. along with O.A. is disposed of with no order as to costs.**

Date:-27/02/2020.
aps.

Vice Chairman

O.A.St.No.1719/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

C.A.319/2019:-

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

2. **C.A.No.319/2019 for condonation of delay is allowed.** Delay is condoned.

3. Issue notice to R-2 & 3, returnable on four 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. four weeks.**

Vice Chairman

Date:-27/02/2020.

aps.

O.A.No.88/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri G.N.Khanzode, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received parawise reply and within one week he filed the reply. **S.O. 05.03.2020.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.72/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri A.P.Sadavarte, 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. three weeks to file reply.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.136/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

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

2. As submitted by Id. P.O., on same issue applicant has approached to this Tribunal. The Id. P.O. pointed out that applicant had filed O.A. No. 746/2011 (P.B., Pg. No. 112); On the same issue which was decided.

3. In the interest of justice, Issue notice to R-2 to 4, returnable on four 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. four weeks.**

10. *As requested by Id. P.O., maintainability of O.A. is kept open; it be heard at the time of final hearing.*

Vice Chairman

Date:-27/02/2020.

aps.

O.A.No.137/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri S.U.Ghude, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant has pointed out order of rejection by respondents for appointment of the applicant on compassionate ground vide their order dated 25.11.2019 (Annexure-A-1, P.B., Pg. No. 52). *Prima facie* it appears that respondent no. 2 has explained details in his letter dated 25.11.2019.

3. The Id. C.P.O. has pointed out the relief clause on P.B., Pg. No. 14, where relief clause in para no. 9 (iii) is not proper. Hence, Id. counsel for the applicant is directed to delete this relief clause. The Id. counsel for the applicant has to delete this prayer clause 9 (iii) **within one week time**.

4. After his deletion, notice be issued to R-2 & 3, returnable on four 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.

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

Vice Chairman

Date:-27/02/2020.

aps.

O.A.No.139/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri D.B.Walthare, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant had challenged the impugned order dated 07.07.2018 (Annexure-A-1, P.B., Pg. No. 12), which is barred by Section 20 of the Tribunal Act. Hence, Id. counsel for the applicant is directed to file condonation of delay application. The Id. counsel for the applicant desires time to file the condonation of delay.

3. **S.O. two weeks.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.924/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 04.02.2020 written by Director Medical Education, Mumbai to Dean Government Medical College, Nagpur. In the said letter following observations have been made:-

"ekuhO fnukadkph 0; k[; k I keW; izkkI u foHkkxkph vf/kl pouk fnukad 21 tu] 1982 e/; suem dY; k i ek.ks, [knh 0; Drh fu; ek; k rjrmh vUo; sue.kapHP; k ekuhO rkj [ki kl u , [kk|k i nkoj] I dxk' fdok I or v[kMi .ksLFkkuki Uu vI sy R; kckchr] v'kk 0; Drhus ekuhO rkj [ki kl u v[kM I ok dyysh vlgsvI sekuystkbZy- vI suem vlgS Jh ekeydj ; kuh R; k; k ue.kochi oHP; k tSBpPh ekx.kh dyysh vlgS; keGsl nj ekuhO fnukadkph ckc Jh- ekeydj ; kuh ykxugkr ukgh- "

3. As submitted by Id. P.O. by this letter applicant's claim for deemed date has been rejected. However, in absence of applicant and his counsel;
S.O. 16.03.2020.

Vice Chairman

Date:-27/02/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri I.G.Meshram, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the State and Shri A.M.Kukday, the Id. counsel for the respondent no. 2.

2. As per the correspondence dated 14.11.2018 (Annexure-A-1, P.B., Pg. No. 11) applicant was initially appointed as Mokkadam, Class-IV employee on 24.08.1984 and subsequently after twelve years of services he was given first A.C.P. as per G.R. dated 08.06.1985; his pay scale was given Rs. 3050-75-3950-80-4590/- P.B., Pg. No. 37 (Annexure-R-2) as filed by Id. counsel for respondent no. 2. Subsequently, after issued of G.R. dated 29.09.2003 (Annexure-R-2, P.B., Pg. No. 21); applicant was granted benefits of that G.R. and accordingly to that G.R. also applicant's pay scale remains Rs. 3050-75-3950-80-4590/- P.B., Pg. No. 37 (Annexure-R-2).

3. After that applicant was promoted to the post of Civil Engineering Assistant on 29.04.2008 in the pay scale of Rs. 4000-100-6000/-. Since he got first A.C.P. on 24.08.1996 i.e. after twelve years. He claimed second A.C.P. i.e. after 24.08.2008 only but he has been granted higher pay scale on 29.04.2008. It seems that the applicant stood retired from service on 31.08.2015 as per the reply of respondent no. 2 (P.B., Pg. No. 17) para no. 2. So in whole 31

years of service applicant has got two hikes of pay scales as filed by respondent no. 2 on P.B., Pg. No. 37.

4. In view of this, applicant cannot claim second A.C.P. before 2008 or even after that before his retirement as per the Government policy.

5. The Id. counsel for the applicant has filed documents regarding other employee which is taken on record. However, Id. counsel for the applicant is directed to plead for his own case. If he has grudge with other employees; he has at liberty to file representation.

6. In view of this, **O.A. stands dismissed with no order as to costs.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.Nos.126 & 189/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-27/02/2020.

aps.

O.A.No.382/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri I.G.Meshram, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 16.03.2020.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.611/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 02.03.2020.**

Vice Chairman

Date:-27/02/2020.

aps.

Rev.19/17inO.A.710/14withO.A.13/20(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.

Heard Shri G.G.Bade, 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 filed C.A. No. 71/2020 for amendment in O.A. No. 13/2020. The same **C.A.No. 71/2020 is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within a week time.

3. **S.O. 05.03.2020.**

Vice Chairman

Date:-27/02/2020.
aps.

O.A.No.115/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :27/02/ 2020.**

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

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

Vice Chairman

Date:-27/02/2020.
aps.