

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

**Dated : 29.03.2019**

Heard Shri M.D. Ramteke, Ld. counsel for the applicant and Shri S.A. Sainis, the Id. P.O. for the respondents.

2. Ld. counsel for the applicant has shown us appointment letter of Ku. Trupti Deoraaji Vaidhya and Ku. Swati Mangal Masarkar. By the appointment letter, it seems that they have been appointed from Open category. However, the Ld. counsel for the applicant has been directed to file on record those documents. In reply of the Ld. P.O., paras 6 and 7 appears to be contradictory so that the Ld. P.O. is directed to clarify the contents in para 6 & 7 of reply.

3. Ld. P.O. is also directed to inform the name of the candidate who was appointed on the post reserved for SC (Sports category) alongwith its appointment letter.

S.O. **two weeks**.

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

Member (J)

Member (A)

Dt. 29.3.2019.

pdg

O.A. No. 489/2017

(DB)

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

**Dated : 29.03.2019**

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

Closed for orders.

Member (J)

Member (A)

Dt. 29.3.2019.

pdg

**O.A. Nos. 285 & 286 of 2018**

**(DB)**

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

**Dated : 29.03.2019**

Heard Shri M.R. Rajgure, the Ld. counsel for the applicants and Shri H.K. Pande, the Id. P.O. for the respondents.

The Ld. counsel for the applicants has pointed out judgment of this Tribunal in O.A. No.749/2015 which is placed on record. This O.A. is similar to O.A. No.749/2015.

Closed for orders.

Member (J)

Member (A)

Dt. 29.3.2019.

pdg

O.A. No.280/2014

(DB)

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

**Dated : 29.03.2019**

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

The Ld. counsel for the applicant has been asked to state whether the applicant has produced the certificate of passing required examination for promotion before the D.P.C. held in 2011. He should produce the required documents and certificates to that effect within next date of hearing.

S.O. **two weeks**.

To be treated as part heard.

Member (J)

Member (A)

Dt. 29.3.2019.

pdg

O.A. No. /2017

(DB)

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

**Dated : 29.03.2019**

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

Closed for orders.

Member (J)

Member (A)

Dt. 29.3.2019.

pdg

O.A. No. 73/2017 (SB)

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

**Dated : 29.03.2019**

Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri A.Y. Kapgate, Id. counsel for R-5.

At the request of Id. P.O., **S.O.**  
**10/04/2019.**

**Member (J)**

dnk.

O.A. No. 499/2017 **(SB)**

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

**Dated : 29.03.2019**

Shri S.N. Gaikwad, 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. 12/04/2019.**

**Member (J)**

dnk.

O.A. No. 179/2016 **(SB)**

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

**Dated : 29.03.2019**

**MCA 14/2019 -**

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Original applicant).

2. In the interest of justice two months time is granted to comply the order passed

in the O.A. The time is extended from the date of this order.

3. In view thereof, the MCA stands disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 180/2016 **(SB)**

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

**Dated : 29.03.2019**

**MCA 15/2019 -**

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Original applicant).

2. In the interest of justice two months time is granted to comply the order passed in the O.A. The time is extended from the date of this order.

3. In view thereof, the MCA stands disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 406/2018 **(SB)**

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

**Dated : 29.03.2019**

Shri C.A. Joshi, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**11/04/2019** for filing reply as a last chance.

**Member (J)**

dnk.

O.A. No. 552/2018 **(SB)**

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

**Dated : 29.03.2019**

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

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

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 691/2018 **(SB)**

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

**Dated : 29.03.2019**

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

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

**S.O. two weeks** for filing rejoinder, if any.

**Member (J)**

dnk.

O.A. No. 895/2018 **(SB)**

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

**Dated : 29.03.2019**

Shri S.K. Thengri, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 7 and none for remaining respondents.

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

**Member (J)**

dnk.

O.A. No. 99/2019 (SB)

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

**Dated : 29.03.2019**

**C.A. 86/2019 -**

Heard Shri P.K. Mishra, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 5. None for R-6.

2. I have gone through the order dated 14/02/2019. After hearing the submission it is made clear that there are only two sanctioned posts of Pharmacists and both posts are filled. The applicant was working on deputation. It also appears that respondent no.6 has already resumed duty on the basis of the transfer order which was in pursuance of the direction given in the O.A.30/2018. It was also observed by this Bench in order dated 14/02/2019 that the applicant was on deputation and it was subject to cancel at any time. In this situation as there is no sanctioned post available at Nagpur, therefore, it is not desirable to issue any direction in this regard at this moment. However, considering the need of the applicant and the circumstances, it is better in the interest of

justice to permit the applicant to make representation to the respondent no.1 to adjust him at Nagpur during the course of general transfer. The respondents shall consider the representation and try to adjust the applicant if there is any vacancy available at Nagpur.

3. In view thereof, the C.A. as well as O.A. stands disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 131/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 29.03.2019**

None for the applicant.

Shri H.K. Pande, Id. P.O. for R-1.  
Await service of R-2&3.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 162/2019 **(SB)**

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

**Dated : 29.03.2019**

Shri A.D. Girdekar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 & 2. Shri S.N. Gaikwad, Id. counsel appears on behalf of respondent nos. 3&4 and submits that he will file vakalatnama during the course of day. Await service of R-5.

2. At the request of Id. counsel for the applicant **S.O. two weeks** for filing service affidavit.

**Member (J)**

dnk.

O.A. No. 92/2018 **(SB)**

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

**Dated : 29.03.2019**

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

2. I have perused the Judgment delivered by the Labour Court, Bhandara in PULP No.313/1992. The learned Labour Court, Bhandara directed to reinstate the applicant on his post with continuity in the service and full back wages after setting aside the termination order dated 26/03/1992. The effect of this order is that the applicant was deemed to be in service on the date on which the respective G.Rs. were issued by the Government of Maharashtra. The same relief is granted by the Hon'ble High Court in Writ Petition No. 8908/2015 in case of **Kishor Digambar Gaikwad and ors. Vs. State of Maharashtra & Ors.** decided on 04/05/2017. It is observed that as a result of the order of reinstatement with continuity in service the applicants were entitled for the benefit of the government G.R. and were entitled to be regularized in service.

3. In the result, the O.A. is allowed in terms of prayer clause nos. (i) & (ii). No order as to costs.

**Member (J)**

dnk.

O.A. No. 867/2018 **(SB)**

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

**Dated : 29.03.2019**

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 additional affidavit.

**Member (J)**

dnk.

O.A. No. 689/2018 **(SB)**

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

**Dated : 29.03.2019**

Shri G.G. Bade, 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. 10/04/2019**.

**Member (J)**

dnk.

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

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

**Dated : 29.03.2019**

Heard W.G. Paunikar, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 5, returnable after **three 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 three weeks.**

**Member (J)**

dnk.

O.A. No. 750/2015 **(SB)**

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

**Dated : 29.03.2019**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

**Closed for orders.**

**Member (J)**

dnk.

O.A. No. 649/2017 **(SB)**

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

**Dated : 29.03.2019**

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

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

**Member (J)**

dnk.

O.A. No. 742/2016 **(SB)**

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

**Dated : 29.03.2019**

Shri S.P. Kshirsagar, Id. counsel for the applicant and shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Two weeks time is granted to the applicant to produce the copy of the G.R. dated 17/2/2017.

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

**Member (J)**

dnk.

O.A. No. 359/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 29.03.2019**

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

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

**Member (J)**

dnk.

O.A. Nos. 933 of 2017 **(SB)**

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

**Dated : 29.03.2019**

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

2. The learned counsel for the applicant has placed reliance in the case of **Prabhakar S/o Ramdas More & Ors. Vs. State of Maharashtra & Ors., 2018 (4) Mh.L.J.,383.**

The ratio of this Judgment is that if amounts are paid in excess due to wrong pay fixation, it cannot be recovered from the employee if no undertaking is obtained from the employee while making payment of the amount.

3. The learned P.O. submitted that he would seek the necessary instructions from the department whether any such undertaking was furnished by the applicant.

4. **S.O. 10/04/2019.**

Put up along with other O.A.No.934/2017.

**Member (J)**

dnk.

O.A. Nos. 934 of 2017 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 29.03.2019**

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

**S.O. 10/04/2019.**

Put up along with other O.A.  
No.934/2017.

**Member (J)**

dnk.

O.A. No. 373/2018 **(SB)**

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

**Dated : 29.03.2019**

Heard Shri P.J. Mehta, Id .counsel for  
the applicant and Shri H.K. Pande, Id. P.O.  
for the respondents.

2. The learned P.O. submitted that the  
same issues are decided by the learned

Single Bench and he would produce those Judgments and for that purpose he seeks time.

3. **S.O. one week (P.H.).**

**Member (J)**

dnk.

O.A. No. 92/2019 **(SB)**

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

**Dated : 29.03.2019**

**C.A. 113/2019 -**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for respondent no.3.

2. The matter is taken on board today.

3. I have perused the order dated 08/02/2019. In this O.A. the impugned order

dated 29/01/2019 was passed by the CEO, Zilla Parishad, Amravati relieving the applicant unilaterally under the pretext that the proposal was forwarded to the Government for suspension of the applicant. This Bench observed that the Appointing Authority of the applicant was the Government of Maharashtra and his Disciplinary Authority was the Divisional Commissioner, therefore, the impugned order was stayed and direction was given to the CEO, Zilla Parishad, Amravati to allow the applicant to continue in service till further orders.

4. In this C.A., it is contended by the applicant that his date of superannuation is 31/03/2019, but the respondent no.3 passed the impugned order dated 27/03/2019 directing to relive the applicant from the government service on 30/03/2019. It is also mentioned in the order that as there is a public holiday on 31/03/2019, therefore, the charge of the applicant shall be taken by Shri Sanjay Devidas Kale on 29/03/2019 and service of the applicant be attached to Maharashtra State EGS Section, Achalpur. After reading this order, it seems that disregarding order dated 08/02/2019 the CEO, Zilla Parishad, Amravati has passed this order. If there is a public holiday on 31/03/2019 then he should have given effect to the retirement after office hours on

30/03/2019, but instead of doing so the CEO, Zilla Parishad, Amravati directed to hand over the charge of the applicant to Shri S.D. Kale on 29/03/2019 and attached his service to the Maharashtra State Rojgar Hami Yojana, Achalpur. The foot note no.14 of this order is w.e.f. 28/03/2019.

The charge of the post of BDO shall be with Shri S.D. Kale and bills be passed only with his signature. Thus the effect of the order is that the CEO, Zilla Parishad, Amravati has practically for all purposes restrained the applicant from discharging his duty as BDO from 28/03/2019. In my opinion, the learned CEO, Zilla Parishad, Amravati should have taken leave of this Tribunal before passing this order, but it is not done, therefore, the impugned order prima facie is bad in law. Hence, I direct that the impugned order dated 27/03/2019 be stayed. The respondent no.3 is directed to allow the applicant to work at his present posting till after office hours on 30/03/2019.

5. In the meantime, issue notice to respondent no.3.

6. **S.O. one week.**

7. Steno copy is granted.

**Member (J)**

dnk.

O.A. No. 73/2017 **(SB)**

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

**Dated : 29.03.2019**

Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri A.Y. Kapgate, Id. counsel for R-5.

At the request of Id. P.O., **S.O.**  
**10/04/2019.**

**Member (J)**

dnk.

O.A. No. 499/2017 **(SB)**

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

**Dated : 29.03.2019**

Shri S.N. Gaikwad, 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. 12/04/2019**.

**Member (J)**

dnk.

O.A. No. 179/2016 **(SB)**

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

**Dated : 29.03.2019**

**MCA 14/2019 -**

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Original applicant).

2. In the interest of justice two months time is granted to comply the order passed in the O.A. The time is extended from the date of this order.

3. In view thereof, the MCA stands disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 180/2016 **(SB)**

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

**Dated : 29.03.2019**

**MCA 15/2019 -**

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Original applicant).

2. In the interest of justice two months time is granted to comply the order passed in the O.A. The time is extended from the date of this order.

3. In view thereof, the MCA stands disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 406/2018 **(SB)**

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

**Dated : 29.03.2019**

Shri C.A. Joshi, Id. couonsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**11/04/2019** for filing reply as a last chance.

**Member (J)**

dnk.

O.A. No. 552/2018 **(SB)**

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

**Dated : 29.03.2019**

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

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

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 691/2018 **(SB)**

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

**Dated : 29.03.2019**

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

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

**S.O. two weeks** for filing rejoinder, if any.

**Member (J)**

dnk.

O.A. No. 895/2018 **(SB)**

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

**Dated : 29.03.2019**

Shri S.K. Thengri, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 7 and none for remaining respondents.

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

**Member (J)**

dnk.

O.A. No. 99/2019 **(SB)**

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

**Dated : 29.03.2019**

**C.A. 86/2019 -**

Heard Shri P.K. Mishra, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 5. None for R-6.

2. I have gone through the order dated 14/02/2019. After hearing the submission it is made clear that there are only two sanctioned posts of Pharmacists and both posts are filled. The applicant was working on deputation. It also appears that respondent no.6 has already resumed duty on the basis of the transfer order which was in pursuance of the direction given in the O.A.30/2018. It was also observed by this Bench in order dated 14/02/2019 that the

applicant was on deputation and it was subject to cancel at any time. In this situation as there is no sanctioned post available at Nagpur, therefore, it is not desirable to issue any direction in this regard at this moment. However, considering the need of the applicant and the circumstances, it is better in the interest of justice to permit the applicant to make representation to the respondent no.1 to adjust him at Nagpur during the course of general transfer. The respondents shall consider the representation and try to adjust the applicant if there is any vacancy available at Nagpur.

3. In view thereof, the C.A. as well as O.A. stands disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 131/2019 **(SB)**

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

**Dated : 29.03.2019**

None for the applicant.

Shri H.K. Pande, Id. P.O. for R-1.  
Await service of R-2&3.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 162/2019 **(SB)**

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

**Dated : 29.03.2019**

Shri A.D. Girdekar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 & 2. Shri S.N. Gaikwad, Id. counsel appears on behalf of respondent nos. 3&4 and submits that he will file vakalatnama during the course of day. Await service of R-5.

2. At the request of Id. counsel for the applicant **S.O. two weeks** for filing service affidavit.

**Member (J)**

dnk.

O.A. No. 92/2018 **(SB)**

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

**Dated : 29.03.2019**

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

2. I have perused the Judgment delivered by the Labour Court, Bhandara in PULP No.313/1992. The learned Labour Court, Bhandara directed to reinstate the applicant on his post with continuity in the service and full back wages after setting aside the termination order dated 26/03/1992. The effect of this order is that the applicant was deemed to be in service on the date on which the respective G.Rs. were issued by the Government of Maharashtra. The same relief is granted by the Hon'ble High Court in Writ Petition No. 8908/2015 in case of **Kishor Digambar Gaikwad and ors. Vs. State of Maharashtra & Ors.** decided on 04/05/2017. It is observed that as a result of the order of reinstatement with continuity in service the applicants were entitled for the benefit of the government G.R. and were entitled to be regularized in service.

3. In the result, the O.A. is allowed in terms of prayer clause nos. (i) & (ii). No order as to costs.

**Member (J)**

dnk.

O.A. No. 867/2018 **(SB)**

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

**Dated : 29.03.2019**

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 additional affidavit.

**Member (J)**

dnk.

O.A. No. 689/2018 **(SB)**

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

**Dated : 29.03.2019**

Shri G.G. Bade, 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. 10/04/2019**.

**Member (J)**

dnk.

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

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

**Dated : 29.03.2019**

Heard W.G. Paunikar, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 5, returnable after **three 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 three weeks.**

**Member (J)**

dnk.

O.A. No. 750/2015 **(SB)**

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

**Dated : 29.03.2019**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

**Closed for orders.**

**Member (J)**

dnk.

O.A. No. 649/2017 **(SB)**

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

**Dated : 29.03.2019**

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

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

**Member (J)**

dnk.

O.A. No. 742/2016 **(SB)**

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

**Dated : 29.03.2019**

Shri S.P. Kshirsagar, Id. counsel for the applicant and shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Two weeks time is granted to the applicant to produce the copy of the G.R. dated 17/2/2017.

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

**Member (J)**

dnk.

O.A. No. 359/2018 **(SB)**

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

**Dated : 29.03.2019**

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

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

**Member (J)**

dnk.

O.A. Nos. 933 of 2017 (SB)

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

**Dated : 29.03.2019**

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

2. The learned counsel for the applicant has placed reliance in the case of **Prabhakar S/o Ramdas More & Ors. Vs. State of Maharashtra & Ors., 2018 (4) Mh.L.J.,383.**

The ratio of this Judgment is that if amounts are paid in excess due to wrong pay fixation, it cannot be recovered from the employee if no undertaking is obtained from the employee while making payment of the amount.

3. The learned P.O. submitted that he would seek the necessary instructions from the department whether any such undertaking was furnished by the applicant.

4. **S.O. 10/04/2019.**

Put up along with other O.A.No.934/2017.

**Member (J)**

dnk.

O.A. Nos. 934 of 2017 (SB)

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

**Dated : 29.03.2019**

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

**S.O. 10/04/2019.**

Put up along with other O.A. No.934/2017.

**Member (J)**

dnk.

O.A. No. 373/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 29.03.2019**

Heard Shri P.J. Mehta, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. submitted that the same issues are decided by the learned Single Bench and he would produce those Judgments and for that purpose he seeks time.

3. **S.O. one week (P.H.).**

**Member (J)**

dnk.

O.A. No. 92/2019 **(SB)**

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

**Dated : 29.03.2019**

**C.A. 113/2019 -**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for respondent no.3.

2. The matter is taken on board today.

3. I have perused the order dated 08/02/2019. In this O.A. the impugned order dated 29/01/2019 was passed by the CEO, Zilla Parishad, Amravati relieving the applicant unilaterally under the pretext that the proposal was forwarded to the Government for suspension of the applicant. This Bench observed that the Appointing Authority of the applicant was the Government of Maharashtra and his Disciplinary Authority was the Divisional Commissioner, therefore, the impugned order was stayed and direction was given to the CEO, Zilla Parishad, Amravati to allow the applicant to continue in service till further orders.

4. In this C.A., it is contended by the applicant that his date of superannuation is 31/03/2019, but the respondent no.3 passed the impugned order dated 27/03/2019 directing to relive the applicant from the government service on 30/03/2019. It is also mentioned in the order that as there is a public holiday on 31/03/2019, therefore, the charge of the applicant shall be taken by Shri Sanjay Devidas Kale on 29/03/2019

and service of the applicant be attached to Maharashtra State EGS Section, Achalpur. After reading this order, it seems that disregarding order dated 08/02/2019 the CEO, Zilla Parishad, Amravati has passed this order. If there is a public holiday on 31/03/2019 then he should have given effect to the retirement after office hours on 30/03/2019, but instead of doing so the CEO, Zilla Parishad, Amravati directed to hand over the charge of the applicant to Shri S.D. Kale on 29/03/2019 and attached his service to the Maharashtra State Rojgar Hami Yojana, Achalpur. The foot note no.14 of this order is w.e.f. 28/03/2019,

the charge of the post of BDO shall be with Shri S.D. Kale and bills be passed only with his signature. Thus the effect of the order is that the CEO, Zilla Parishad, Amravati has practically for all purposes restrained the applicant from discharging his duty as BDO from 28/03/2019. In my opinion, the learned CEO, Zilla Parishad, Amravati should have sought leave of this Tribunal before passing this order, but it is not done, therefore, the impugned order prima facie is bad in law. Hence, I direct that the impugned order dated 27/03/2019 be stayed. The

respondent no.3 is directed to allow the applicant to work on his present post till after office hours on 30/03/2019.

5. In the meantime, issue notice to respondent no.3.

6. **S.O. one week.**

7. Steno copy is granted.

**Member (J)**

dnk.

O.A.No. 814/2018.

(D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 29<sup>th</sup> March 2019.**

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

The Id. P.O. desires two weeks time to file reply, **S.O. two weeks.**

**Member(A)**

**Date:-29/03/2019.**  
aps.

O.A.No. 166/2012.

(D.B.)

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

**Dated : 29<sup>th</sup> March 2019.**

**C.A.No.100/2019:-**

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The matter is kept for final hearing in the regular Division Bench. Meanwhile, the Id. P.O. is directed to call enquiry papers.

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

**Member(A)**

**Date:-29/03/2019.**

aps.

O.A.No. 654/2017.

(D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 29<sup>th</sup> March 2019.**

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

Rejoinder has not been filed till date.  
However, as requested by Id. P.O., matter is  
**admitted** and kept for final hearing. Liberty is  
granted to the applicant to file Rejoinder, if  
any.

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

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

**Member(A)**

**Date:-29/03/2019.**  
aps.

O.A.Nos. 46 & 47/2018.

(D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 29<sup>th</sup> March 2019.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

At the request of Id. P.O., **S.O.**  
**16.04.2019 to file reply.**

**Date:-29/03/2019.**  
aps.

**Member(A)**

O.A.No. 147/2018.

(D.B.)

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

**Dated : 29<sup>th</sup> March 2019.**

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

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

**Member(A)**

**Date:-29/03/2019.**

aps.

O.A.No. 526/2018.

(D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 29<sup>th</sup> March 2019.**

Heard Shri B.Dafle, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 & 3 and Shri B.J.Lonare, the Id. Counsel for the respondent no. 2.

The Id. counsel for the applicant is filing reply on behalf of the respondent no. 2, it be taken on record. Copies are served to the other side.

**S.O. 09.04.2019 to file Rejoinder.**

**Member(A)**

**Date:-29/03/2019.**  
aps.

O.A.No. 910/2018.

(D.B.)

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

**Dated: 29<sup>th</sup> March 2019.**

Heard Shri S.D.Borkute, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 to 21.

2. The Id. counsel for the applicant is directed to add local officers as a Respondents. However, the Id. P.O. is also directed to file reply as earliest.

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

**Member(A)**

**Date:-29/03/2019.**

aps.

O.A.No. 222/2019.

(D.B.)

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

**Dated : 29<sup>th</sup> March 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State in detailed.

2. The Id. counsel for the applicant has filed the Judgment of Hon'ble Supreme Court in the case of **State of Punjab Vs. V.K.Khanna & Ors. reported in AIR 2001 Supreme Court 343**. It be taken on record. Copy is served to the other side. If reply is not file till the next date of hearing, than the matter be placed before regular D.B. for final hearing at admission stage.

3. Issue notice to R-2 to 5, returnable on 16-04-2019. 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. 16-04-2019.**

**Member(A)**

**Date:-29/03/2019.**  
aps.