

**O.A. No. 617/2014.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.285/2016 in C.P.(St.)1136/2016.**

Heard Miss Nisha Khope, Adv. holding for Shri S.D. Zoting, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for respondents 1 and 3. None for R.2.

The Ld. counsel for the applicant submits that newly added respondent No.2 has been served. She has filed report to that effect in the office.

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

Vice-Chairman(J)

pdg..

**O.A. No. 618/2014.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.323/2016 in C.P.(St.)1261/2016.**

Heard Miss Nisha Khope, Adv. holding for Shri S.D. Zoting, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for respondents 1 to 3.

The Ld. counsel for the applicant submits that newly added respondent No.2 has been served. She has filed report to that effect in the office.

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

Vice-Chairman(J)

pdg..

O.A. No. 547 /2014.

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**M.C.A.No.28/2017.**

None for the respondent (original applicant). Shri P.N. Warjekar, the learned P.O. for the applicants (original respondents).

Issue notice to the respondent (original applicant) in M.C.A. returnable **after summer vacation.**

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

Vice-Chairman(J)

pdg..

**O.A. No. 110/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

Heard Shri A.B. Dhulaj, the applicant in person and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. None for R. 4 and 5.

The learned P.O. makes a statement that he has received instructions that no D.P.C. meeting is going to be held within two months. In view thereof, time is granted for filing reply affidavit.

The respondents are directed not to convey any D.P.C. meeting till filing of reply.

**S.O. 5<sup>th</sup> July 2017.**

Vice-Chairman(J)

pdg..

**O.A. No. 28/2010.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.03/2017 in C.P.(St.)09/2017.**

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

Ld. P.O. seeks one month's time for  
compliance.

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

Vice-Chairman(J)

pdg..

**O.A. No. 860/2010.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.13/2016 in C.P.(St.) 47/2016.**

Heard Shri N.N. Thengre, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. Shri W.G. Paunikar, Adv. for R. 4 and 5. None for R.6.

Ld. P.O. submits that the order has been complied with. He has also placed on record the order passed by the Govt. dated 3.5.2017. It is marked %+ for identification. The Ld. counsel for the applicant submits that he will go through it and will file a statement as regards non compliance, if any.

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

Vice-Chairman(J)

pdg..

**O.A. No. 554/2004.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.399/2015 in C.P.(St.)1669/2015.**

Heard Shri J.C. Shukla, the Ld. counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

The Ld. counsel for the applicant has filed service affidavit of respondent No.3.

In O.A. No. 554/2004, this Tribunal has directed respondent No.2 to consider the applicant as senior to respondent No.9 and then to consider his case for promotion as Circle Officer on the basis of said seniority. This was to be done within four weeks. Admittedly till today, that has not been done. This order can be interpreted in two ways:- (i) Applicant's seniority is to be considered against respondent No.9. (ii) his case will have to be considered on merit for promotion considering that he is senior to respondent No.9.

The Ld. P.O. is directed to take instructions as to whether there was any

D.P.C. meeting for considering the applicant's case for promotion as per directions of this Tribunal and if yes, whether his case was considered. Whether the said meeting shall be held in future and if yes, when it will be taken.

The Ld. P.O. seeks time.

S.O. **8<sup>th</sup> June 2017.**

Vice-Chairman(J)

pdg..



**O.A. No. 532/2015.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.115/2017.**

Heard Shri S.P. Kshirsagar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for respondents 1 & 2. Shri Vinay Dahat, Adv. for R.3.

Closed for orders.

Vice-Chairman(J)

pdg..

**O.A. No. 645 /2012.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.P.No.04/2017.**

Heard Shri P.V. Thakre, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

Respondent No.4 Smt. M.M. Charmode, District Malaria Officer, Nagpur is present today before this Tribunal. She requested time to file her reply to the contempt petition.

The Ld. P.O. submits that respondent No.2 Smt. Sujata Saunik, the then Secretary, Department of Public Health is not the Secretary of the department at present. However notice has been served on her and, therefore, she was required to remain present before this Tribunal for submitting her reply. The Ld. P.O. is directed to ask respondent Nos. 2 and 3 to remain present on the next date before this Tribunal and to file their affidavits-in-reply and as to why contempt proceedings shall not be initiated against them.

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

Vice-Chairman(J)

pdg..

**O.A. No. 112/2015.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.281/2016 in C.P.(St.) 1092/2016.**

Heard Shri N.D. Thombre, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

A specific direction was given vide order dated 6.4.2017. Respondents were directed to comply the order within two weeks and in case of non compliance, concerned officers were to remain present before this Tribunal. The order was not complied with and the matter was taken before this Tribunal on 27.4.2017. On that date also, concerned officer did not appear. Mr.Vijay Satbir Singh, Principal Secretary, Department of Public Health was added as party respondent and notice has been served on him. The Ld. P.O. submits that Mr. Vijay Satbir Singh has been out of India and will returning on 6<sup>th</sup> May 2017 and that he will appear before this Tribunal and file his affidavit in reply after he returns to India. Dr. Sanjay Jaiswal, Dy. Director of Health Services, Nagpur is present today. He submits that the proposal for provisional pension will be submitted to the Accountant General-II (M.S.),

Nagpur within a week. However, he could not explain as to why the said proposal was not sent immediately inspite of specific order of this Tribunal passed on 6.4.2017. Dr. Jaiswal is directed to file an affidavit, giving an explanation as to why proposal has not been sent immediately and as to why the order dated 6.4.2017 has not been complied with. The respondents are directed to see that at least the provisional pension shall be granted to the applicant and the applicant shall get the amount of provisional pension and the arrears thereof on or before the next date without fail.

**S.O. 8<sup>th</sup> June 2017.**

Vice-Chairman(J)

pdg..

**T.A. No.02/2004 in W.P. No. 2693/90.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**R.A. No.02/2017 in C.P. 01/2017 in  
MCA 23/2013.**

Heard Shri Vinay Dahat, the learned counsel for the applicant (original respondent Nos. 3 & 4) and Shri A.M. Ghogre, the learned P.O. for the respondent No.1. Shri M.R. Rajgure, Adv. for original applicant. Shri R.S. Khobragade, the Ld. Advocates for R.2. None for R.5.

Review Application No. 02/2017 is concerned, the learned counsel for the applicants (original respondent Nos. 3 & 4) submits that he has been instructed to withdraw this Review Application. In view thereof, Review Application is disposed of as withdrawn.

Vice-Chairman(J)

pdg..

**T.A. No.02/2004 in W.P. No. 2693/90.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A. No. 239/2017 in C.P. 01/2017 in MCA 23/2013.**

Heard Shri M.R. Rajgure, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1. Shri R.S. Khobragade, the Ld. Advocates for R.2. Shri Vinay Dahat, Adv. for R. 3 & 4. None for R.5.

Learned counsel for respondent Nos. 3 and 4 has filed this application. Copy of the said application has been served on other respondents and the applicant. The learned counsel for the applicant submits that he wants to file his say on this application and, therefore, matter be kept for filing say of the applicant and other respondents after vacation. This application is marked %+ for the purpose of identification and registered as C.A.No. 239/2017.

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

Vice-Chairman(J)

pdg..

**O.A. No.100/2010.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.P. 03/2017.**

Shri P.V. Thakre, Adv. holding for Shri S.P. Palshikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. has filed an affidavit in reply on behalf of R.2. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

At the request of parties, matter be kept **after summer vacation.**

Vice-Chairman(J)

pdg..

**O.A. No.306/2005.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A. 55/2017 in C.P.(St.) 304/2017.**

Miss A.R. Khare, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

The Ld. P.O. has placed on record some documents stating that the order has been complied with. Those documents are marked as %+ for identification. Copy of the same has been supplied to the learned counsel for the applicant. Ld. P.O. seeks time to take instructions from the respondents.

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



Vice-Chairman(J)

pdg..

**O.A. No.417/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

Shri A.P. Aadhe, Adv. holding for Shri M.R. Joharapurkar, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents 1 & 2. None for R.3.

Since the applicant did not file reply and other respondents have already filed reply affidavit, matter is admitted and kept for final hearing before the regular D.B. whenever available.

Smt. M.A. Barabde, the learned P.O. waives notice for respondents 1 & 2.

Vice-Chairman(J)

pdg..

**O.A. No.915/2012.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.85/2017 in C.P.(St.)446/2017.**

Shri R.G. Kavimandan, Advocate holding for Shri S.N. Gaikwad, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned counsel for the applicant seeks time.

**S.O. 5<sup>th</sup> May 2017.**

Vice-Chairman(J)

pdg..

**O.A. No.487/2015.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

**C.A.No.390/2016 in C.P.(St.) 1535/2016.**

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

It seems that in the O.A., the respondents were directed to pay interest on the unpaid amount of retiral dues w.e.f. 1.1.2012 till the date of payment and rate of interest was 9% p.a. In the O.A., a chart was also given at page Nos. 12 & 13 whereby the total amount to be recovered was satisfied. In such circumstances, there is no other go for the respondents but to calculate the interest on the unpaid amount as directed by this Tribunal. The learned counsel for the applicant may also go through the order of compliance and submit his statement regarding unpaid amount. Ld. P.O. is directed to go through it and make a statement on merit.

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

Vice-Chairman(J)

pdg..

**O.A. No.691/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

Heard Shri R.G. Kavimandan, Adv. holding for Shri R.L. Khapre, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 & 3. None for R. 4 & 5.

Await service to R.2.

The Ld. P.O. has filed an affidavit in reply on behalf of R.3. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The applicant is directed to issue fresh notice to respondent No.2 returnable after vacation.

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

Put up this O.A. with O.A. No. 692/2016.

Vice-Chairman(J)

pdg..

**O.A. No.777/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 4<sup>th</sup> May 2017.**

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. Shri Thakre, Adv. holding for Shri D.S. Sawarkar, Adv. for R. 4.

The Ld. P.O. has filed reply on behalf of respondent No.3. The same is taken on record and a copy thereof is supplied to the Adv. for R.4 and undertakes to serve a copy to the Ld. counsel for the applicant.

Adv. for R. 4 also seeks time to file reply.

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

Vice-Chairman(J)

pdg..

O.A.117/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri A.K. Waghmare, Id. counsel for the  
applicant and Shri S.A. Sainis, Id. P.O. for the  
Respts.

At the request of Id. P.O., **S.O. After Summer Vacation** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.470/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri P.V. Thakre, Id. counsel holding for Shri J.M. Shamkuwar, Id. counsel for the applicant, Smt. Barabde, Id. P.O. for R-1&2 and Shri R.A. Gupte, Id. counsel present for Shri R.N. Gaikwad (R-3).

At the request of Id. counsel for the applicant, **S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.724/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Heard Shri S. Borkar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri A.P. Tathod, Id. counsel for R-4.

After hearing the matter for considering the claim, the learned counsel for the applicant seeks permission to file rejoinder. Hence,



matter be kept **After Summer Vacation** for hearing and filing rejoinder.

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

**Vice Chairman (J)**

dnk.

O.A.522/2016

**Coram** : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).

**Dated** : **04.05.2017.**

Shri M.I. Mourya, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.507/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri U.Y. Sonkusare, Id. counsel for the applicant and A.M. Khadatkar, Id. P.O. for the respondents.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.93/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri P.V. Thakre, Id. counsel for the applicant and A.M. Khadatkar, Id. P.O. for the respondents.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.156/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

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

Ld. P.O. files reply on behalf of R-4. It is taken on record. Copy is served to the Id. counsel for the applicant. Ld. P.O. seeks time to file reply on behalf of other respondents.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.139/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

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

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.73/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri G.G. Bade, Id. counsel for the applicant, Shri S.A. Deo, Id. C.P.O. for R-1 to 4 and Shri A.Y. Kapgate, Id. counsel for R-5.

The Id. CPO as well as Id. counsel for R-5 seek time to file reply. Time is granted.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.626/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri S.R. Renu, Id. counsel holding for  
Shri R. Joshi, Id. counsel for the applicant and  
Shri P.N. Warjurkar, Id. P.O. for the  
respondents.

At the request of Id. counsel for the  
applicant, **S.O. After Summer Vacation**.

**Vice Chairman (J)**

pdg.

O.A.250/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri P.S. Verma, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 5.

The learned counsel for the applicant submits that he will file service report in respect of the respondents.

The learned P.O. submits that he will file reply during the course of day.

**S.O. 05/05/2017.**

**Vice Chairman (J)**

dnk.



O.A.26/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri A.W. Paunikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1.

2. The learned counsel for the applicant submits that he will file service report in respect of R-3 and requested that fresh notice may be issued in favour of R-2.

3. In view thereof, issue fresh notice to R-2, returnable **After Summer Vacation**. 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.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.789/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri P.J. Mehta, Id. counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1&2 and Ms. A.R. Manhare, Id. counsel for R-3 (Caveator).

The learned counsel for the applicant files service affidavit in respect of R-2.

The learned P.O. as well as Id. counsel for respondent no.3 seeks time to file reply-affidavit. Time is granted.

**S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.71/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

**C.A.41/2017**

Shri P.V. Thakre, Id. counsel holding for  
Shri S.P. Palshikar, Id. counsel for the applicant  
and Shri S.A. Deo, Id. CPO for the respondents.

At the request of learned counsel for the  
applicant, **S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.339/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

**M.C.A.27/2017**

Shri M.I. Khan, Id. P.O. for the applicants (Original respondents). None for the respondent (Original applicant).

2. Notice on application be issued to the respondent (Original applicant) returnable **After Summer Vacation.**

3. **S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.356/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri S.S. Shingane, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

The learned counsel for the applicant seeks further time to carry out the amendment. At his request, **S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.134/2013

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Shri Joshi, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the applicant, Shri

A.P. Potnis, Id. P.O. for R-1 and Shri P.V. Thakre, Id. counsel for R-2.

2. The learned counsel for the applicant seeks time to carry out necessary amendment. The learned counsel for R-2 also seeks time to deposit the amount of recovery in the Tribunal. In view thereof, **S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.775/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

**M.C.A.30/2017**

Heard Shri A.P. Tathod, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri A.M. Kukday, Id. counsel for R-2. None for R-3.

2. The O.A. was disposed of vide Judgment order dated 13/4/2017 in which inadvertently it has been mentioned that Shri Kukday, Id. counsel was appearing for respondent no.3 also. In fact Shri Kukday, Id. counsel appeared for respondent no.2 only and respondent no.3 was mentioned inadvertently though remained absent. He therefore wants that the inadvertent mistake may be corrected in the opening para of the Judgment in first and second page. Other sides have no objection for making such corrections. In view thereof, on the first page of the Judgment it shall be mentioned Shri A.M. Kukday, Id. counsel for respondent no.2 and none for respondent no.3. Similarly, in opening para of the Judgment Shri A.M. Kukday, Id. counsel shall be mentioned for respondent no.2 only and respondent no.3 be mentioned as absent. With these corrections the certified copies be accordingly issued to the parties if they have already been supplied by making necessary corrections. The Registrar is directed to do the needful.

**Vice Chairman (J)**

dnk.



O.A.717/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The learned P.O. submits that the applicant has claimed that departmental appeal be decided. She submits that the departmental appeal of the applicant has already been decided finally on 11/7/2016. She has filed on record copy of the communication dated 16/9/2016 addressed to the applicant. It is marked as Exh-X for the purpose of identification.

3. The learned counsel for the applicant submits that the applicant will have to challenge this act on the part of respondents and therefore he may be permitted to withdraw the O.A. with permission to file fresh O.A.

3. In view thereof, the O.A. stands disposed of as withdrawn with liberty to file separate O.A. No order as to costs.

**Vice Chairman (J)**

O.A.163/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 04.05.2017.**

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

2. The applicant is claiming correction of his date of birth. According to him, his correct date of birth is 6/1/1961. However the same has been wrongly recorded as 6/5/1959. It is stated that he has made the applications for correction of date of birth within five years, but the same was not considered. He waited and ultimately filed this O.A. It seems that the applicant was appointed in the year 1985 and according to him, his first representation was made on 18/1/1987 and thereafter on 18/9/2015

and on 11/2/2016. The respondents have filed reply-affidavit and today the applicant has filed some communications. The copies are taken on record and marked Exh-X1q and Exh-X2q for the purposes of identification. From which it seems that the proposal of the applicant in respect of his representation for correction of date of birth forwarded to the Chief Secretary and same is pending.

3. The learned P.O. has invited my attention to the reply-affidavit. Para-9 in which it is stated that the application for correction of date of birth is not as per the provisions of Rule 38 of the Maharashtra Civil Services (General Conditions of Service), 1981 and the Circular dated 3/3/1998 and Notification dated 24/12/2008. It is also stated that application has been filed at the fag end of his service and as such, such representation cannot be accepted.

4. The learned counsel for the applicant submits that the applicant is going to retire on 31<sup>st</sup> May, 2017 and he expects that the representation be considered before his retirement. It is agreed that the application can be disposed of with directions in this regard. In view of the aforesaid submission, the application stands disposed of with direction to respondent no.1 to take appropriate decision on the representation filed by the applicant for correction of date of birth according to its own merit and as per the rules and regulations.

The decision may be taken on or before 31<sup>st</sup> May,2017 i.e. before retirement of the applicant and same shall be communicated to the applicant. No order as to costs.

**Vice Chairman (J)**

dnk.

