

O.A. St. 1919/2016

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

Dated : 06.09.2017.

C.A. 475/2016 –

There is a leave note from Shri S.P. Palshikar, Id. Counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1, none for R-3&13, Shri S.D. Tatke, Id. Counsel for R-6,16 &17. Await service of R,2,4,5,7 to 12, 14 & 15.

The learned P.O. as well as Id. Counsel for R-6,16 & 17 seek time to file reply. Time is granted.

It seems that service affidavits of R,2,4,5,7 to 12, 14 & 15 are not filed. The applicant to file service affidavits.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 653/2017

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

Dated : 06.09.2017.

C.A. 416/2017 –

Heard Shri R.P. Pimpalkhute, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 653/2017 -

2. Issue notice to R-2 &3, returnable in **four 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. The point of limitation is kept open.

8. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. Nos.572,573,574 & 575 of 2017

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

Dated : 06.09.2017.

Shri D.T. Shinde, Id. Counsel for the applicants and Shri A.M.Ghogre, Id. P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicants submits that all the respondents are served and he will file acknowledgements of respondents in the office today itself.

The learned P.O. also seeks time to file reply.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A. No. 578/2017

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

Dated : 06.09.2017.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

The applicant to file service affidavit of R-2&3.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 579/2017

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

Dated : 06.09.2017.

There is a leave note from Shri S.P. Palshikar, Id. Counsel for the applicant. Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

The applicant to file service affidavit of R-2&3.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 580/2017

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

Dated : 06.09.2017.

None for the applicant. Smt .S.V. Kolhe, Id. P.O. for R-1. Await service of R-2&3.

The applicant to file service affidavit of R-2&3.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 581/2017

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

Dated : 06.09.2017.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

The applicant to file service affidavit of R-2 to 4.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 583/2017

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

Dated : 06.09.2017.

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1. Await service of R-2 to 4.

The applicant to file service affidavit of R-2 to 4.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 583/2017

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

Dated : 06.09.2017.

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1. Await service of R-2 to 4.

The applicant to file service affidavit of R-2 to 4.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 584/2017

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

Dated : 06.09.2017.

There is a leave note from Shri S.P. Palshikar, Id. Counsel for the applicant. Shri S.A. Deo, Id. CPO for State. Await service of R-1&2.

The applicant to file service affidavit.

S.O. two weeks along with other connected matter.

Vice Chairman (J)

dnk.

O.A. No. 585/2017

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

Dated : 06.09.2017.

There is a leave note from Shri S.P. Palshikar, Id. Counsel for the applicant. Shri S.A. Deo, Id. CPO for State. Await service of R-1&2.

The applicant to file service affidavit.

S.O. two weeks along with other connected matter.

Vice Chairman (J)

dnk.

O.A. No. 624/2017

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

Dated : 06.09.2017.

There is a leave note from Shri S.P. Palshikar, Id. Counsel for the applicant. Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

The applicant to file service affidavit of R-2&3.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 535/2016

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

Dated : 06.09.2017.

Shri S.R. Chakravati, Id. Counsel holding for Shri N.S. Warulkar, Id. Counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri A.D. Girdekar, Id. Counsel for R-4. None for R-3.

At the request of Id. Counsel for the applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. No. 273/2017

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

Dated : 06.09.2017.

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for
the respondents.

Ld. P.O. files reply-affidavit on
behalf of R-3&4. It is taken on record.

The learned P.O. submits that
reply of R-1&2 is not necessary.

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

Vice Chairman (J)

dnk.

O.A. No. 457/2017

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

Dated : 06.09.2017.

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the respondents.

The learned P.O. seeks one week time to file reply. At his request, **S.O. one week** for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 345/2017

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

Dated : 06.09.2017.

Mrs. R.V. Kukday, Id. Counsel for
the applicant and Smt. S.V. Kolhe, Id.
P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. No. 512/2017

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

Dated : 06.09.2017.

Smt. R. Deshpande, Id. Counsel
for the applicants and Shri A.M.
Khadatkar, Id. P.O. for the Respts.

At the request of Id .P.O., **S.O. one
week** for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 651/2014

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

Dated : 06.09.2017.

Shri D.M. Kakani, Id. Counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 788/2016

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

Dated : 06.09.2017.

None for the applicants.

Shri S.A. Deo, Id. CPO for the respondents.

The matter was kept for final hearing with the consent of Id. Counsel for parties. However in the interest of justice it be kept after **two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 655/2017

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

Dated : 06.09.2017.

Heard Shri N.D. Thombre, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant submits that the applicant is facing criminal trial on the similar charges for which departmental enquiry was also conducted. From the admitted facts on record, it seems that the final notice has been issued in the departmental enquiry. Whereas, the criminal trial is still pending. The learned counsel for the applicant placed reliance on the Judgment reported in **(1999) 3 SCC, 679 in Capt. M. Paulanthony Vs. Bharat Gold Mines Ltd. & Ors**, which specifically invited my attention to para 22 (ii) of the said citation, wherein, it has been concluded that if the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law

and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal trial. However, sub para (v) of the said clause says that if the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, the administration may get rid of him at the earliest.

3. In the present case admittedly the departmental enquiry is continued since long and it has reached to finality. The applicant did not approach immediately to this Tribunal for getting the inquiry stayed. If the departmental action is taken against the applicant he has right to file appeal and also he can approach the Tribunal if the appeal is not decided in this case. Considering all these aspects the reply of the respondents is necessary.

4. Issue notice to R-2 and 3, returnable in **four 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. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. No. 80/2017

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

Dated : 06.09.2017.

C.A. 04/2017

The applicant in person present. Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2&3.

The applicant in person appears and submits that the respondents have been served and he will file service affidavit.

The learned P.O. seeks time to file reply. At his request, **S.O. four weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 467/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 6th September 2017.

Heard Shri Y.J.Maheshwari, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents. Nos. 1 to 4. None for R.5.

The learned counsel for the applicant submits that the applicant does not want to file rejoinder and the matter be kept for final hearing.

S.O. 7th September 2017.

Vice-Chairman(J)

O.A. No. 656/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 6th September 2017.

Heard Shri,N.R. Saboo, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant has challenged the order of recovery dated 15.4.2017 vide which respondent Nos. 2 and 2 are going to recover Rs.23,88,437/- form the applicant in *lump sum*. The learned counsel for the applicant submits that the said recovery is against the provisions of G.R. dated 20.2.2015 and that in similar circumstances, number of officers have been granted instalments for payment of loan amount. The Ld. CPO, however, submits that on earlier occasion

also, the applicant has utilized the loan amount for the purpose other than for which it was granted for which notice for initiating criminal proceedings was also on record. Considering all these aspects, I am satisfied that reply of respondents will be necessary before granting any interim relief.

3. Hence, issue notice returnable after four weeks. **(4.10.2017)**.

4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

9. SO. 4.10.2017.

Vice-Chairman(J)

