

O.A. Nos. 776 and 777 of 2015.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

Heard Shri S.N. Gaikwad, the learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The learned P.O. submits that he has not yet received any instructions from respondent Nos. 1 and 2. Before Mumbai Bench of this Tribunal, similar matters are being heard by the Division Bench where I am also a part of the Bench. The issue involved is regularization of services of the Dental Surgeon appointed on contractual basis. In that matter additional prayer was made that such Dental Surgeons may also be allowed to appear in the selection process for the post of

Dental Surgeon initiated by M.P.S.C. That matter is being heard by the Division Bench. However, as far as the prayer of regularization is concerned, it is identical with the prayer in the present O.As which being heard by this Bench. It is very surprising that the respondents who have filed affidavit in reply in the matter before Mumbai Bench of this Tribunal have failed to do so in the present case. Cost of Rs. 5,000/- each is imposed on respondent Nos. 1 and 2, for their failure to file affidavit in reply in this matter. Cost to be deposited by the Government Cheque in the Registry of this Tribunal before the next date.

S.O. **5th April 2017.**

Steno copy be furnished to the learned P.O.

Vice-Chairman

Pdg

O.A. No. 192/2004.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Heard Mrs. R.Y. Siddiqui,
learned counsel for the applicants
and Mrs. S.V. Kolhe, the learned P.O.
for the respondents.

Closed for orders.

Vice-Chairman

pdg

O.A. No. 808/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

Heard Shri N.S. Bade, learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

Reply on behalf of the respondents is filed on record by the learned P.O.

Closed for orders.

Vice-Chairman

Pdg

O.A. No. 772 & 773 of 2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

None for the applicants. Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 to 3. None for R. 4 and 5.

S.O. 5th April 2017.

Vice-Chairman

pdg

O.A. No. 762 and 763 of 2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Heard A.S. Chakotkar, learned counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

S.O. 5th April 2017.

Vice-Chairman

pdg

O.A. No. 508 /2009.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

Heard Shri N.R. Saboo, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman

pdg

O.A. No. 160, 161 and 162 of 2011.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Heard Miss Sunanda Salame Adv. holding for Shri T.D. Mandlekar, the learned counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned counsel for the applicants states that affidavit in reply has

not yet been filed in O.A. Nos. 160 and 162 of 2011. She also states that there are other connected matters, number of which has been supplied to the learned counsel for the applicants, though identical relief is sought. In all these matters also, affidavit in reply has not been filed. All matters which list has been submitted by the learned counsel for the applicants should be clubbed with these O.As. The learned P.O. states that she will file affidavit in reply in all these matters within a period of four weeks.

S.O. 5th April 2017.

Vice-Chairman

pdg

O.A. No. 553/2011.

Coram: Shri Rajiv Agarwal,

Vice-Chairman

Dated : 7th March 2017.

Heard Shri N.R. Saboo, the learned counsel for the applicant and Mrs. M.A. Barabde the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman

pdg

O.A. No.220 & 291 of 2009.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Heard Shri N.S. Bade, the learned counsel for the applicants and Shri H.K. Pande the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman

pdg

O.A. No. 724/2011.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

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

S.O. 21st March 2017.

Vice-Chairman

pdg

O.A. No. 668/2011.

Coram: Shri Rajiv Agarwal,

Vice-Chairman

Dated : 7th March 2017.

C.A. No.236/2013.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

2. In this O.A, the applicant is seeking various deemed dates of promotion in the cadres of A.P.I., P.I. and Dy.S.P.. The learned P.O. states that by order dated 7.3.2015, the applicant has already been given deemed date of promotion in the cadre of A.P.I. w.e.f. 1.1.1993. By another order dated 24.1.2015, the applicant has been given deemed date of promotion in the cadre of P.I. w.e.f. 11.2.1999. Respondent No.2 has forwarded a proposal to respondent No.1 on 27.1.2017,

proposing that the applicant may be given deemed date of promotion in the cadre of Dy.S.P. w.e.f. 15.2.2011.

3. In view of this development, this O.A. can be disposed of with the directions to respondent No.1 to take a decision on the proposal submitted by respondent No.2 on 27.1.2017 within a period of six weeks from the date of this order and communicate the same to the applicant within one week thereafter. In the circumstances, there shall be no order as to costs.

4. As the O.A. stands disposed of, nothing survives in the C.A. It also stands disposed of.

Vice-Chairman

O.A. No. 477/2013.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

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

At the request of learned counsel for the applicant, S.O. **21st March 2017.**

Vice-Chairman

Pdg

O.A. No. 565/2013.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

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

Closed for orders.

Vice-Chairman

pdg

O.A. No. 222/2013.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

Heard Shri S.P. Palshikar, the learned counsel for the applicants and Shri A.P. Potnis, the learned P.O. for the respondents.

In this O.A., the applicants are working in Food and Civil Supplies Department as District Supply Officer / Assistant Food and Grains Distribution Officer. The applicants claim is that, they are group-A officers and till 5th Pay Commission, they were getting the pay in the equivalence of the pay scale of Assistant Food and Grains Distribution Officer / Tehsildar in Revenue and Forest Department. However, in the 6th Pay Commission,

though the Tehsildar has been given pay in the pay band applicable to Group-A officers equivalent post in Food and Civil Supplies Department have been given pay in the pay band of Group-B officers, the matter was referred to the Pay Anomaly Committee which has not recommended any change in the pay band and grade pay of the officers like the present applicants working in Food and Civil Supplies Department. In the present O.A., it is seen that the respondents are Secretary of Finance Department and Secretary of Food and Civil Supplies Department of the State Government. As the decisions in such matters of Pay Commission are to be taken by Finance Department of the State Government, it was necessary that any affidavit justifying the decision of Pay Anomaly Committee whose recommendations were accepted by the Finance Department, should have been filed by respondent No.1.

However, it is seen that on behalf of the respondents, affidavit in reply has been filed by the Divisional Commissioner, Nagpur. In my opinion, this affidavit in reply will not be helpful in deciding this O.A.. As the question of equivalence of posts in Revenue and Forest Department with those in Food and Civil Supplies Department is raised in this O.A., it will be necessary that respondent No.2 or some senior officers working under him in Mantralaya in Finance Department file an affidavit in reply to clarify the issue raised in this O.A. Ld. P.O. states that such an affidavit in reply be filed within four weeks.

S.O. **5th April 2017**.

Steno copy be furnished to the learned P.O.

Vice-Chairman

O.A. No. 228/2016.

Coram: Shri Rajiv Agarwal,

Vice-Chairman

Dated : 7th March 2017.

Heard Shri N.R. Saboo, the learned counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents 1 & 2. Shri A.Y. Kapgate, Advocate for R.3.

This matter was last heard by this Tribunal on 20.2.2017. It is mentioned in the said order that the learned counsel for respondent No.3 sought time to file affidavit in reply and last chance was granted. In fact, though this Tribunal has used the words "additional affidavit", it is seen that not even original affidavit has been filed by respondent No.3 and last chance was granted to

respondent No.3 to file an affidavit which is not forthcoming today.

Cost of Rs. 5,000/- is imposed on respondent No.3 which should be deposited in the Registry of this Tribunal before the next date by Govt. Cheque. Learned P.O. states that respondent Nos. 1 and 2 are formal parties This contention is rejected. Respondent Nos. 1 and 2 to file their affidavit in reply within four weeks.

S.O. 5th April 2017.

Vice-Chairman

pdg

O.A. No. 568/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Heard Mrs. Pallavi Mahashabde, the learned counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The learned P.O. has placed on record a copy of order dated 16.9.2016 issued by respondent No.3, reinstating the applicant in service and posting him in Tehsil office, Barshitakali, District Akola. Learned P.O. states that the applicant sought relief that the suspension order may be declared as illegal and even the respondents be directed to remove the same. As relief sought in the O.A. has already been granted to the applicant, nothing survives in this O.A. This O.A., therefore, stands disposed of with no order as to costs.

Vice-Chairman

Pdg

O.A. No. 214/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Heard Shri S.M. Khan, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The applicant has filed this O.A. challenging the order of respondents dated 20.5.2011 imposing penalty of stoppage of one increment for one year. It appears that the applicant has filed an appeal against the said order before the Hon^{ble} Governor and by order dated 16th May 2016, the Hon^{ble} Governor has entrusted the appeal to the Hon^{ble} Minister for Public Health and Family Welfare to hear and decide the same on behalf

of the Honorable Governor. Copy of letter from Secretary to the Governor to the Additional Chief Secretary, Department of Agriculture Mantralaya, Mumbai is taken on record. In view thereof, this O.A. is disposed of with a request to the Honorable Minister for Public Health and Family Welfare to decide the pending appeal of the applicant expeditiously, preferably within a period of three months from the date of this order. O.A. stands disposed of accordingly with no order as to costs.

Vice-Chairman

Pdg

O.A. No. 779/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

C.A. 539/2016.

Heard Shri S.B. Tiwari, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The learned counsel for the applicant states that the C.A. has become infructuous. It is disposed of as infructuous with no order as to costs.

O.A. No. 779/2016.

Learned P.O. states that he will file reply within two weeks.

S.O. 21st March 2017.

Vice-Chairman

Pdg

O.A. No. 644/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

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

It appears that after filing the O.A., neither the applicant nor his counsel has been remaining present in this Tribunal. Notice having also not been issued. Hence, this matter be kept for dismissal after two weeks.

S.O. 21st March 2017.

Vice-Chairman

Pdg

O.A. No. 684/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondents 1 & 2. None for R.3.

On the last occasion, the learned counsel for the applicant has undertaken to file acknowledgment of service of notice on respondent Nos. 2 and 3 and also remove office objection during the course of the day. However, it appears that no steps have been taken by the learned counsel for the applicant.

S.O. 21st March 2017.

Vice-Chairman

Pdg

O.A. No. 725/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

Heard Shri S.N. Gaikwad, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1, 2 & 4.. None for R.3.

It may be ascertained whether notice has been served on the respondent No.3

S.O. 29th March 2017.

Vice-Chairman

pdg

O.A. No. 497/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman

Dated : 7th March 2017.

None for the applicant. Smt. M.A. Barabde, the learned P.O. for the respondents.

Learned P.O. states that this issue is not exactly covered by the judgment of this Tribunal at Mumbai. As the applicant, when he was discharged from service on completion of his contract, he has not deposited all instruments costing lacks of rupees with the employer. He, therefore, cannot seek any relief before first he restores all the instruments which he has misappropriated.

The respondents have already filed affidavit in reply. The case may, therefore, be kept for dismissal on the next date.

S.O. 29th March 2017.

Vice-Chairman

pdg

O.A. No. 487/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

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

S.O. 21st March 2017.

Vice-Chairman

pdg

O.A. No. 501/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

C.A. 17/2017.

Shri P.S. Kadam, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

It seems that the notices have not been served in C.A. No. 17/2017 on respondent Nos. 2 and 3. However, the learned P.O. states that the respondents are aware of the said C.A. and will file affidavit in reply to the same on the next date. Notices are, therefore, dispensed with.

O.A. No. 501/2016.

The learned P.O. has filed affidavit in reply in the O.A. It is taken on record.

S.O. 21st March 2017.

Vice-Chairman

O.A. No.522 /2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

C.A. 27/2017.

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

**S.O. 21st March 2017 for filing
reply to the C.A.**

Vice-Chairman

pdg

O.A. (St.) No.2213 /2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

C.A. 537/2017.

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

S.O. 21st March 2017.

Vice-Chairman

pdg

O.A. No.230 /2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

Shri Sunil Pande, the learned counsel for the applicant and Mrs. M.A. Barabde, the learned P.O. for the respondents.

S.O. 14th March 2017.

Vice-Chairman

pdg

O.A. No.495 /2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman**

Dated : 7th March 2017.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. 29th March 2017.

Vice-Chairman

pdg

