

O.A. No. 914/2012.

CORAM : S.S. Hingne,V.C.

**DATE : 15th December 2016.
C.P. 01/2014**

Ld. CPO, MAT, Nagpur (suo motu) for the applicant (original respondent). Smt. P.D. Sood, the contemnor (original applicant in O.A. No. 914/2012).

At the request of original applicant in person, S.O. **six weeks.**

V.C.

pdg

O.A. No. 485/2014.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Smt. P.D. Sood, the applicant in person. Shri P.N. Warjekar, learned P.O. for the respondents.

The learned P.O. has filed reply of R. 4 to 6. It is taken on record and a copy thereof is supplied to the other side.

At her request, S.O. **six weeks** alongwith connected matters.

V.C.

pdg

O.A. No. 914/2012.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.P. 02/2016.

Ld. CPO, MAT, Nagpur for the applicant (original respondent). Smt. P.D. Sood, the contemnor (original applicant).

At the request of original applicant in person, S.O. **six weeks.**

V.C.

pdg

O.A. No. 914/2012.

CORAM : S.S. Hingne,V.C.

**DATE : 15th December 2016.
CAs Nos. 371 & 372 of 2013 and
C.A. No.191/2014.**

Smt. P.D. Sood, the applicant
in person.

Shri P.N. Warjekar, learned
P.O. for the respondent Nos. 1 to 5.
Shri N.D. Thombre, Adv. for 7 & 8.
None for R.6.

At the request of the applicant.,
S.O. **six weeks.**

V.C.

pdg

O.A. No. 480/2015.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.A. 249/2016.

Shri P.K. Mishra, the learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

The learned P.O. is served with a copy of C.A. today.

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

V.C.

pdg

O.A. No. 173/2006.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.A. 389/2016 in C.P.(St.) 1528/2016.

Shri R.V. Shiralkar, the learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondent No.1. None for R. 2 and 3.

The learned counsel for the applicant and the learned P.O. both submit that the writ petition pending before the High Court is adjourned after vacation.

At the request of learned P.O.,
S.O. **after vacation.**

V.C.

Pdg

O.A. No. 321/2009.

CORAM : S.S. Hingne,V.C.

**DATE : 15th December 2016.
C.A. 282/2016 in C.P.(St.) 1116/2016.**

Shri A.C. Dharamadhikari, the learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for the respondents.

The learned P.O. submits that the writ petition is being filed in the High Court today, since legal aspect is involved in the matter.

S.O. **four weeks.**

V.C.

pdg

O.A. No. 603/2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Heard Shri S.C. Deshmukh, the learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 & 2. None for R.3.

Reply filed by R.2 is adopted by R.1 also.

O.A. stands rejected.

Reasons to follow.

V.C.

pdg

O.A. Nos. 233,234,301,302,477,517,518,635 & 663 of 2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

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

At the request of learned P.O.,
S.O **four weeks by way of peremptory chance.**

V.C.

pdg

O.A. No. 360/2014.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.A. No. 392/2016 in C.P.(St.) No.1591/2016.

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

2. The O.A. was disposed of by direction dated 12.8.2015 in O.A. No. 360/2014 with the observation that “it is expected that the proposal received by the Finance Department will be considered within a reasonable period of time and preferably within six months from the date of passing of this order”.

3. The respondents’ case is that the Finance Department has turned down the proposal on the ground that the matter ought to have been placed before the relevant Pay Anomaly Committee and that the Pay

Anomaly Committee is not in existence.

4. It reveals from the reply that the dispute relates to pay fixation w.e.f. 1.1.2006. For that, the Pay Anomaly Committee was constituted vide notification dated 22.4.2009 and known as "K.P. Baxi Committee i.e. Pay Anomaly Removal Committee". This matter was placed before the Pay Anomaly Committee and, therefore, now the Finance Department has given the above reply.

5. The learned counsel for the applicant submits that the Pay Anomaly Committee cannot remain in force permanently and it is for a particular period.

6. Reply is also submitted that the Pay Anomaly Committee is not in existence.

7. In the above state of affairs, now the order dated 12.8.2015 which is impugned stands complied with and the C.A. can be disposed of. However, the learned

counsel for the applicant seeks
litigation.

S.O. 19.12.2016.

V.C.

pdg

O.A. No.844 /2012.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Shri M.V. Mohokar, the learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 & 2. Shri D.M. Kale, Adv. for R.3.

At the request of learned counsel for the applicant, S.O. **after vacation.**

V.C.

pdg

O.A. No.437 /2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Shri G.K. Bhusari, the learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

ADMIT.

Shri A.M. Khadatkhar, learned P.O. waives notice for the respondents.

S.O. after vacation.

V.C.

Pdg

O.A. No.323 /2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Mrs. S.A. Tiwari, Adv. holding for Shri A.S. Tiwari, the learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents 1 to 3. None for R.4.

At the request of the learned counsel for the applicant, S.O. **one week** as a peremptory chance.

V.C.

pdg

O.A. No.315 /2014.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.
C.A. 10/2016 in C.P.(St.) 73/2016.

Shri P.J. Mehta, the learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

The learned P.O. submits that all the benefits are released and thus the C.A. can be disposed of. The learned counsel for the applicant wants to take instructions. On the last time also, it was adjourned just to take instructions. Now it is made clear that on the next date, C.A. will be disposed of on the basis of documents on record.

S.O. **one week for disposal.**

Vice-Chairman

Pdg

O.A. No.687 /2014.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 151/2016 in C.P.(St.) 615/2016.

Shri A.C. Dharmadhikari, the learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for respondents 1 to 3. Miss Dhanashree Gurunule, Adv. holding for Smt. Vaishali Khadekar, learned counsel for R. 4 & 5. None for R.6.

The learned P.O. has filed communication dated 10.11.2016 showing that all the benefits of the applicant are released. The learned counsel for the applicant wants to verify so that the C.A. can be disposed of.

S.O. **four weeks for disposal.**

Vice-Chairman

Pdg

O.A. No. 112/2015.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

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

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

The Ld. P.O. has filed communication dated 14.12.2016 that the applicant was absent from 29.1.1990 to 24.1.1996. His services were also terminated. There were some two rounds of litigation and the matter requires some time to be decided at higher level taking instructions from the MPSC. Such aspects require time.

S.O. **four weeks.**

Vice-Chairman

Pdg

O.A. No. 266/2014.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 427/2016 in C.P.(St.) 1711/2016.

Shri N.R. Tekade, the learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 to 3. None for R.4.

The Ld. P.O. has filed reply of respondent No1. stating that the grievances of the applicant are redressed and the C.A. can be disposed of. However, the learned counsel for the applicant wants to take instructions.

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

Vice-Chairman

Pdg

O.A. No. 61/2010.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 270/2016 in C.P.(St.) 1057/2016.

There is a leave from Shri Bharat Kulkarni , the learned counsel for the applicant.

Shri P.N. Warjekar, learned P.O. for the respondents 1 and 2. None for R.3.

It reveals that the impugned order is stayed by the Hon'ble High Court.

S.O. **eight weeks.**

Vice-Chairman

Pdg

O.A. (St.) No. 2236/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 543/2016.

Heard Shri A.C. Dharmadhikari, the learned counsel for the applicants and Shri S.A. Deo, learned C.P.O. for the respondent No.1.

Since all the applicants are sailing in the same boat and claiming same relief, application for permission to file joint O.A. is allowed. It is made clear that it will not be allowed to agitate any other point which is common to all the applicants.

O.A. (St.) No. 2236/2016.

Heard both sides.

2. Issue notice before admission to R. 2 and 3 returnable on **20.12.2016.**

3. Shri S.A. Deo, learned C.P.O. waives notice for respondents No.1. Hamdast granted.

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

6. 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.

7. 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.

8. On submission, aspect of interim relief is kept open.

Vice-Chairman

Pdg

O.A. No. 244/2015.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 534/2016 in C.P.(St.) 2201/2016

1. Heard Shri D.C. Chahande, the learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondent No.2.
2. Issue notice before admission to R. 1 returnable **after service.**
3. A.M. Khadatkar, learned P.O. waives notice for respondent No.2. Hamdast granted.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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
6. 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.

7. 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.

Vice-Chairman

Pdg

O.A. No. 201/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

Shri G.K. Bhusari, the learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondent Nos.1 & 2. None for R. 3 to 5.

At the request of learned P.O.,
S.O. **six weeks for reply.**

Vice-Chairman

pdg

O.A. No. 536/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

Shri N.S. Munghate, the learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondent Nos.1 to 4. None for R. 5.

At the request of learned P.O., S.O. **six weeks for reply.**

Vice-Chairman

pdg

O.A. No. 550/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

Shri S.R. Jaiswal, Adv.
holding for Shri P.R. Agrawal, the
learned counsel for the applicant and
Shri A.M. Ghogre, learned P.O. for
the respondentNos.1 and 2. None
for R. 3.

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

Vice-Chairman

pdg

O.A. No. 117/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. No. 439/2016 in C.P.(St.) 1753/2016.

Shri V.A. Kothale, the learned counsel for the applicant and Shri S.A. Sainlis, learned P.O. for the respondent No.4. None for R. 1 to 3.

The learned P.O. submits that the writ petition is being filed today in the High Court.

S.O. **six weeks.**

Put up with connected O.A. No. 117/2016 (with R.A. No.10/2016).

Vice-Chairman

pdg

O.A. No. 117/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

R.A. No. 10/2016.

Shri V.A. Kothale, the learned counsel for the applicant and Shri S.A. Sainlis, learned P.O. for the respondents.

The learned P.O. has filed reply of R.2. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. **six weeks.**

Put up with connected O.A. No. 117/2016 (with C.A. No. 439/2016 in C.P.(St.) 1753/2016).

Vice-Chairman

pdg

O.A.Nos.614,615 & 616 of 2013

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri D.S. Wasnik, Id. counsel for the applicants and Smt. M.A. Barabde, Id. P.O. for the Respts.

Smt. Barabde, Id. P.O. submits that Shri P.N. Warjurkar, Id. P.O. in these matters, has left for funeral procession.

At her request, **S.O. 9-1-2017.**

V.C.

dnk.

O.A. Nos.445,446,447, & 448 & 533 of 2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.P. Palshikar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the Respts.

Shri Pande, Id. P.O. submits that Shri P.N. Warjurkar, Id. P.O. in these matters, has left for funeral procession.

At his request, **S.O. 19-12-2016.**

V.C.

dnk.

O.A.No.404/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Ms. K.R. Prajapati, Id. counsel holding for Shri H.N. Potbhare, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4 to 6.

Ms. Prajapati, Id. counsel submits that Shri Potbhare, Id. counsel for the applicant is not feeling well and hence she requests further time. At her request, **S.O.**
After Christmas Vacation.

V.C.

dnk.

O.A.No.470/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri P.V. Ramteke, Id. counsel holding for Shri J.M. Shamkuwar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1&2. None for R-3.

Heard. Admit.

Learned P.O. waives notices for R-1&2.

Hearing expedited.

S.O. After Christmas Vacation.

V.C.

dnk.

O.A.No.307/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri M.R. Patil, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

S.O. Next week.

V.C.

dnk.

O.A.No.366/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

C.A.538/2016

Shri A.V. Neware, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A.No.549/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

C.A.394/2016

Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

The learned P.O. has supplied the legible copies of inquiry report to the Id. counsel for the applicant. Thus his grievance is redressed. Accordingly, the C.A. stands disposed.

O.A.549/2015 –

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

V.C.

dnk.

O.A.No.424/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri Shivkumar Dwivedi, Id. counsel holding for Shri U.J. Deshpande, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

Learned counsel for the applicant wants to take proper steps and instructions.

S.O. one week for disposal.

V.C.

dnk.

O.A.No.451/2016 with C.A.502/16

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5&6.

Heard. Admit.

Learned P.O. waives notices for R-1 to 4.

Hearing expedited.

S.O. Next week.

V.C.

dnk.

O.A.No.488/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.K. Kotwal, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri R.D. Hajare, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,3 & 4. None for R-2.

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

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri N.D. Thombre, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. Six weeks.

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri G. Ramteke, Id. counsel holding for Shri A. Ramteke, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

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

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri G.G.Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A.No.639/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri P.V. Thakre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A.No.697/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri A.P. Tathod, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

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

V.C.

dnk.

O.A.No.755/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1&2. Shri Malokar, Id. counsel for R-3. None for R-4.

At the request of Id. P.O. for R-1&2 and Id. counsel for R-3, **S.O. four weeks for reply.**

Lateron –

Shri A.D. Dangore, Id. counsel for the applicant appears and prayed for early hearing. However, Shri Malokar, Id. counsel for R-3 has already left the premises. He is not available. Shri Dangore, Id. counsel undertakes that he will intimate him.

At the request of Id. counsel for the applicant, **S.O. 23-12-2016.**

V.C.

dnk.

O.A.No.759/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

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

In the meantime, on submission the aspect of interim relief is kept open.

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri A.P. Tathod, Id. counsel for R-3.

2. Learned counsel for the applicant submits that as per the instructions of the applicant, he wants to withdraw the O.A. the learned counsel for R-3 objects for the same on the ground that this Tribunal has not passed any judicial order touching the transfer order. Despite of this, it is mentioned in the Govt. order dated 9-12-2016 that the transfer order is withdrawn as per the order passed by this Tribunal. He also submits that R/3 is transferred in place of the applicant and therefore his rights are affected.

3. Learned P.O. submits that he has no instructions. Anyhow fact remains that no order is passed by this Tribunal, but the Govt. order stipulates that the Tribunal has passed the order and therefore second order is issued which

requires consideration. As such, learned P.O. to clarify in this regard.

4. **S.O. 19-12-2016.**

V.C.

dnk.

O.A.No.784/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1&2.

2. Notice to the other side is necessary. Hence, issue notice to R-3 & 4, returnable in three weeks. Learned C.P.O. waives notice for R-1&2. 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. **S.O. three weeks.**

V.C.

dnk.

O.A.No.316/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

None for the applicant. Shri M.I.
Khan, Id. P.O. for R-1 to 3. None for R-4.

S.O. After Christmas Vacation.

V.C.

dnk.

O.A.No.710/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

S.O. 1st of week After Christmas Vacation.

V.C.

dnk.

O.A.No.494/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri Kavimandan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,2,4 & 5. None for R-3.

S.O. Next week.

V.C.

dnk.

O.A.Nos.679,680,681,382 & 683 of 2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the Respts.

The learned P.O. wants to take instructions.

S.O. 21-12-2016.

V.C.

dnk.

O.A.No.409/2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri N.D. Thombre, Id. counsel holding for Shri A. Tripathi, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

Shri Thombre, Id. counsel appeared on behalf of Shri A. Tripathi, Id. counsel for the applicant and submitted that the O.A. may be disposed of as withdrawn as per Pursis dated 21-11-2016 (P-31).

However, on the earlier order dated 29-11-2016 it is mentioned that on the next date if none appeared for the applicant, the O.A. will be dismissed. Despite of this, Shri Thombre, Id. counsel appeared and submits that Shri A. Deshpande, Id. counsel for the applicant is busy in the High Court and therefore he is unable to attend before the Tribunal.

In the above state of affairs, the matter is adjourned by way of last chance.

S.O. Next week.

V.C.

dnk.

O.A.No.40/2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

MCA 80/2016 -

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

The matter is taken on mention. Due to the typographical mistake word "Representation" is typed it be read as "Proposal".

With this, the MCA stands disposed of.

V.C.

dnk.

O.A.No.766/2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Heard Shri S.P. Palshikar, Id.
counsel for the applicant and Shri S.A. Deo,
Id. C.P.O. for the Respts.

The mistake of date in the order
being typographical, is corrected.

V.C.

dnk.

O.A. No. 914/2012.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.P. 01/2014

Ld. CPO, MAT, Nagpur (suo motu) for the applicant (original respondent). Smt. P.D. Sood, the contemnor (original applicant in O.A. No. 914/2012).

At the request of original applicant in person, S.O. **six weeks.**

V.C.

pdg

O.A. No. 485/2014.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Smt. P.D. Sood, the applicant in person. Shri P.N. Warjekar, learned P.O. for the respondents.

The learned P.O. has filed reply of R. 4 to 6. It is taken on record and a copy thereof is supplied to the other side.

At her request, S.O. **six weeks** alongwith connected matters.

V.C.

pdg

O.A. No. 914/2012.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.P. 02/2016.

Ld. CPO, MAT, Nagpur for the applicant (original respondent). Smt. P.D. Sood, the contemnor (original applicant).

At the request of original applicant in person, S.O. **six weeks.**

V.C.

pdg

O.A. No. 914/2012.

CORAM : S.S. Hingne,V.C.

**DATE : 15th December 2016.
CAs Nos. 371 & 372 of 2013 and
C.A. No.191/2014.**

Smt. P.D. Sood, the applicant
in person.

Shri P.N. Warjekar, learned
P.O. for the respondent Nos. 1 to 5.
Shri N.D. Thombre, Adv. for 7 & 8.
None for R.6.

At the request of the applicant.,
S.O. **six weeks.**

V.C.

pdg

O.A. No. 480/2015.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.A. 249/2016.

Shri P.K. Mishra, the learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

The learned P.O. is served with a copy of C.A. today.

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

V.C.

pdg

O.A. No. 173/2006.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.A. 389/2016 in C.P.(St.) 1528/2016.

Shri R.V. Shiralkar, the learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondent No.1. None for R. 2 and 3.

The learned counsel for the applicant and the learned P.O. both submit that the writ petition pending before the High Court is adjourned after vacation.

At the request of learned P.O.,
S.O. **after vacation.**

V.C.

Pdg

O.A. No. 321/2009.

CORAM : S.S. Hingne,V.C.

**DATE : 15th December 2016.
C.A. 282/2016 in C.P.(St.) 1116/2016.**

Shri A.C. Dharamadhikari, the learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for the respondents.

The learned P.O. submits that the writ petition is being filed in the High Court today, since legal aspect is involved in the matter.

S.O. **four weeks.**

V.C.

pdg

O.A. No. 603/2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Heard Shri S.C. Deshmukh, the learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 & 2. None for R.3.

Reply filed by R.2 is adopted by R.1 also.

O.A. stands rejected.

Reasons to follow.

V.C.

pdg

O.A. Nos. 233,234,301,302,477,517,518,635 & 663 of 2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

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

At the request of learned P.O.,
S.O **four weeks by way of peremptory chance.**

V.C.

pdg

O.A. No. 360/2014.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.
C.A. No. 392/2016 in C.P.(St.) No.1591/2016.

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

2. The O.A. was disposed of by direction dated 12.8.2015 in O.A. No. 360/2014 with the observation that “it is expected that the proposal received by the Finance Department will be considered within a reasonable period of time and preferably within six months from the date of passing of this order”.

3. The respondents’ case is that the Finance Department has turned down the proposal on the ground that the matter ought to have been placed before the relevant Pay Anomaly Committee and that the Pay

Anomaly Committee is not in existence.

4. It reveals from the reply that the dispute relates to pay fixation w.e.f. 1.1.2006. For that, the Pay Anomaly Committee was constituted vide notification dated 22.4.2009 and known as "K.P. Baxi Committee i.e. Pay Anomaly Removal Committee". This matter was placed before the Pay Anomaly Committee and, therefore, now the Finance Department has given the above reply.

5. The learned counsel for the applicant submits that the Pay Anomaly Committee cannot remain in force permanently and it is for a particular period.

6. Reply is also submitted that the Pay Anomaly Committee is not in existence.

7. In the above state of affairs, now the order dated 12.8.2015 which is impugned stands complied with and the C.A. can be disposed of. However, the learned

counsel for the applicant seeks
litigation.

S.O. 19.12.2016.

V.C.

pdg

O.A. No.844 /2012.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Shri M.V. Mohokar, the learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 & 2. Shri D.M. Kale, Adv. for R.3.

At the request of learned counsel for the applicant, S.O. **after vacation.**

V.C.

pdg

O.A. No.437 /2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Shri G.K. Bhusari, the learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

ADMIT.

Shri A.M. Khadatkhar, learned P.O. waives notice for the respondents.

S.O. after vacation.

V.C.

Pdg

O.A. No.323 /2016.

CORAM : S.S. Hingne,V.C.

DATE : 15th December 2016.

Mrs. S.A. Tiwari, Adv. holding for Shri A.S. Tiwari, the learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents 1 to 3. None for R.4.

At the request of the learned counsel for the applicant, S.O. **one week** as a peremptory chance.

V.C.

pdg

O.A. No.315 /2014.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.
C.A. 10/2016 in C.P.(St.) 73/2016.

Shri P.J. Mehta, the learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

The learned P.O. submits that all the benefits are released and thus the C.A. can be disposed of. The learned counsel for the applicant wants to take instructions. On the last time also, it was adjourned just to take instructions. Now it is made clear that on the next date, C.A. will be disposed of on the basis of documents on record.

S.O. **one week for disposal.**

Vice-Chairman

Pdg

O.A. No.687 /2014.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 151/2016 in C.P.(St.) 615/2016.

Shri A.C. Dharmadhikari, the learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for respondents 1 to 3. Miss Dhanashree Gurunule, Adv. holding for Smt. Vaishali Khadekar, learned counsel for R. 4 & 5. None for R.6.

The learned P.O. has filed communication dated 10.11.2016 showing that all the benefits of the applicant are released. The learned counsel for the applicant wants to verify so that the C.A. can be disposed of.

S.O. **four weeks for disposal.**

Vice-Chairman

Pdg

O.A. No. 112/2015.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

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

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

The Ld. P.O. has filed communication dated 14.12.2016 that the applicant was absent from 29.1.1990 to 24.1.1996. His services were also terminated. There were some two rounds of litigation and the matter requires some time to be decided at higher level taking instructions from the MPSC. Such aspects require time.

S.O. **four weeks.**

Vice-Chairman

Pdg

O.A. No. 266/2014.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 427/2016 in C.P.(St.) 1711/2016.

Shri N.R. Tekade, the learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 to 3. None for R.4.

The Ld. P.O. has filed reply of respondent No1. stating that the grievances of the applicant are redressed and the C.A. can be disposed of. However, the learned counsel for the applicant wants to take instructions.

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

Vice-Chairman

Pdg

O.A. No. 61/2010.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 270/2016 in C.P.(St.) 1057/2016.

There is a leave from Shri Bharat Kulkarni , the learned counsel for the applicant.

Shri P.N. Warjekar, learned P.O. for the respondents 1 and 2. None for R.3.

It reveals that the impugned order is stayed by the Hon'ble High Court.

S.O. **eight weeks.**

Vice-Chairman

Pdg

O.A. (St.) No. 2236/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 543/2016.

Heard Shri A.C. Dharmadhikari, the learned counsel for the applicants and Shri S.A. Deo, learned C.P.O. for the respondent No.1.

Since all the applicants are sailing in the same boat and claiming same relief, application for permission to file joint O.A. is allowed. It is made clear that it will not be allowed to agitate any other point which is common to all the applicants.

O.A. (St.) No. 2236/2016.

Heard both sides.

2. Issue notice before admission to R. 2 and 3 returnable on **20.12.2016.**

3. Shri S.A. Deo, learned C.P.O. waives notice for respondents No.1. Hamdast granted.

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

6. 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.

7. 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.

8. On submission, aspect of interim relief is kept open.

Vice-Chairman

Pdg

O.A. No. 244/2015.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. 534/2016 in C.P.(St.) 2201/2016

1. Heard Shri D.C. Chahande, the learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondent No.2.
2. Issue notice before admission to R. 1 returnable **after service.**
3. A.M. Khadatkar, learned P.O. waives notice for respondent No.2. Hamdast granted.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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
6. 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.

7. 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.

Vice-Chairman

Pdg

O.A. No. 201/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

Shri G.K. Bhusari, the learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondent Nos.1 & 2. None for R. 3 to 5.

At the request of learned P.O.,
S.O. **six weeks for reply.**

Vice-Chairman

pdg

O.A. No. 536/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

Shri N.S. Munghate, the learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondent Nos.1 to 4. None for R. 5.

At the request of learned P.O.,
S.O. **six weeks for reply.**

Vice-Chairman

pdg

O.A. No. 550/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

Shri S.R. Jaiswal, Adv. holding for Shri P.R. Agrawal, the learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondentNos.1 and 2. None for R. 3.

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

Vice-Chairman

pdg

O.A. No. 117/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

C.A. No. 439/2016 in C.P.(St.) 1753/2016.

Shri V.A. Kothale, the learned counsel for the applicant and Shri S.A. Sainlis, learned P.O. for the respondent No.4. None for R. 1 to 3.

The learned P.O. submits that the writ petition is being filed today in the High Court.

S.O. **six weeks.**

Put up with connected O.A. No. 117/2016 (with R.A. No.10/2016).

Vice-Chairman

pdg

O.A. No. 117/2016.

CORAM : S.S. Hingne, Vice-Chairman

DATE : 15th December 2016.

R.A. No. 10/2016.

Shri V.A. Kothale, the learned counsel for the applicant and Shri S.A. Sainlis, learned P.O. for the respondents.

The learned P.O. has filed reply of R.2. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. **six weeks.**

Put up with connected O.A. No. 117/2016 (with C.A. No. 439/2016 in C.P.(St.) 1753/2016).

Vice-Chairman

pdg

O.A.Nos.614,615 & 616 of 2013

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri D.S. Wasnik, Id. counsel for the applicants and Smt. M.A. Barabde, Id. P.O. for the Respts.

Smt. Barabde, Id. P.O. submits that Shri P.N. Warjurkar, Id. P.O. in these matters, has left for funeral procession.

At her request, **S.O. 9-1-2017.**

V.C.

dnk.

O.A. Nos.445,446,447, & 448 & 533 of 2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.P. Palshikar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the Respts.

Shri Pande, Id. P.O. submits that Shri P.N. Warjurkar, Id. P.O. in these matters, has left for funeral procession.

At his request, **S.O. 19-12-2016.**

V.C.

dnk.

O.A.No.404/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Ms. K.R. Prajapati, Id. counsel holding for Shri H.N. Potbhare, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4 to 6.

Ms. Prajapati, Id. counsel submits that Shri Potbhare, Id. counsel for the applicant is not feeling well and hence she requests further time. At her request, **S.O.**
After Christmas Vacation.

V.C.

dnk.

O.A.No.470/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri P.V. Ramteke, Id. counsel holding for Shri J.M. Shamkuwar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1&2. None for R-3.

Heard. Admit.

Learned P.O. waives notices for R-1&2.

Hearing expedited.

S.O. After Christmas Vacation.

V.C.

dnk.

O.A.No.307/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri M.R. Patil, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

S.O. Next week.

V.C.

dnk.

O.A.No.366/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

C.A.538/2016

Shri A.V. Neware, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A.No.549/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

C.A.394/2016

Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

The learned P.O. has supplied the legible copies of inquiry report to the Id. counsel for the applicant. Thus his grievance is redressed. Accordingly, the C.A. stands disposed.

O.A.549/2015 –

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

V.C.

dnk.

O.A.No.424/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri Shivkumar Dwivedi, Id. counsel holding for Shri U.J. Deshpande, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

Learned counsel for the applicant wants to take proper steps and instructions.

S.O. one week for disposal.

V.C.

dnk.

O.A.No.451/2016 with C.A.502/16

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for R-1 to 4. None for R-5&6.

Heard. Admit.

Learned P.O. waives notices for R-1 to 4.

Hearing expedited.

S.O. Next week.

V.C.

dnk.

O.A.No.488/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.K. Kotwal, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri R.D. Hajare, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,3 & 4. None for R-2.

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

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri N.D. Thombre, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. Six weeks.

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri G. Ramteke, Id. counsel holding for Shri A. Ramteke, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

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

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri G.G.Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A.No.639/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri P.V. Thakre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A.No.697/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri A.P. Tathod, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

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

V.C.

dnk.

O.A.No.755/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1&2. Shri Malokar, Id. counsel for R-3. None for R-4.

At the request of Id. P.O. for R-1&2 and Id. counsel for R-3, **S.O. four weeks for reply.**

Lateron –

Shri A.D. Dangore, Id. counsel for the applicant appears and prayed for early hearing. However, Shri Malokar, Id. counsel for R-3 has already left the premises. He is not available. Shri Dangore, Id. counsel undertakes that he will intimate him.

At the request of Id. counsel for the applicant, **S.O. 23-12-2016.**

V.C.

dnk.

O.A.No.759/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

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

In the meantime, on submission the aspect of interim relief is kept open.

V.C.

dnk.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri A.P. Tathod, Id. counsel for R-3.

2. Learned counsel for the applicant submits that as per the instructions of the applicant, he wants to withdraw the O.A. the learned counsel for R-3 objects for the same on the ground that this Tribunal has not passed any judicial order touching the transfer order. Despite of this, it is mentioned in the Govt. order dated 9-12-2016 that the transfer order is withdrawn as per the order passed by this Tribunal. He also submits that R/3 is transferred in place of the applicant and therefore his rights are affected.

3. Learned P.O. submits that he has no instructions. Anyhow fact remains that no order is passed by this Tribunal, but the Govt. order stipulates that the Tribunal has passed the order and therefore second order is issued which

requires consideration. As such, learned P.O. to clarify in this regard.

4. **S.O. 19-12-2016.**

V.C.

dnk.

O.A.No.784/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1&2.

2. Notice to the other side is necessary. Hence, issue notice to R-3 & 4, returnable in three weeks. Learned C.P.O. waives notice for R-1&2. 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. **S.O. three weeks.**

V.C.

dnk.

O.A.No.316/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

None for the applicant. Shri M.I.
Khan, Id. P.O. for R-1 to 3. None for R-4.

S.O. After Christmas Vacation.

V.C.

dnk.

O.A.No.710/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

S.O. 1st of week After Christmas Vacation.

V.C.

dnk.

O.A.No.494/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri Kavimandan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,2,4 & 5. None for R-3.

S.O. Next week.

V.C.

dnk.

O.A.Nos.679,680,681,382 & 683 of 2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the Respts.

The learned P.O. wants to take instructions.

S.O. 21-12-2016.

V.C.

dnk.

O.A.No.409/2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Shri N.D. Thombre, Id. counsel holding for Shri A. Tripathi, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

Shri Thombre, Id. counsel appeared on behalf of Shri A. Tripathi, Id. counsel for the applicant and submitted that the O.A. may be disposed of as withdrawn as per Pursis dated 21-11-2016 (P-31).

However, on the earlier order dated 29-11-2016 it is mentioned that on the next date if none appeared for the applicant, the O.A. will be dismissed. Despite of this, Shri Thombre, Id. counsel appeared and submits that Shri A. Deshpande, Id. counsel for the applicant is busy in the High Court and therefore he is unable to attend before the Tribunal.

In the above state of affairs, the matter is adjourned by way of last chance.

S.O. Next week.

V.C.

dnk.

O.A.No.40/2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

MCA 80/2016 -

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

The matter is taken on mention. Due to the typographical mistake word "Representation" is typed it be read as "Proposal".

With this, the MCA stands disposed of.

V.C.

dnk.

O.A.No.766/2016.

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 15.12.2016.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the Respts.

The mistake of date in the order being typographical, is corrected.

V.C.

dnk.

O.A. No.603/2016

CORAM: S.S. Hingne: V.C.

DATE : 15-12-2016

Heard Shri S.C.

Deshmukh, Id. Counsel for the applicant and Shri A.M. Ghogare, Id. P.O. for the respondent Nos. 1 and 2. None for R/3.

2. The applicant has filed the O.A. seeking promotion from

the post of Jailor, Group-I to the post of Superintendent, District Prison Class-II/Deputy Superintendent Central Prison.

3. The O.A. is filed on 6/9/2016. The Respondent No. 2 has filed the reply on 18/11/2016. The said reply is adopted by R/1. It is a Division Bench matter. The Id. P.O. has taken objection to decided it by the Single Bench. The Id. Counsel for the applicant prayed for interim relief.

4. The Id. Counsel for the applicant submitted that he is to retire on 31/12/2016. The applicant has challenged the order dtd. 15/2/2016 (Annex.A-1, page-13) by which R/3 is promoted.

The grievance of the applicant is that R/3 is junior to the but promoted. He relied on the seniority list (page-34) as on 1/1/2014 wherein the applicant is at Sr. No. 5 and R/3 is at Sr. No.12. The reply of the P.O. is that the seniority list is temporary and not final and the applicant is not given the promotion because he has not cleared the departmental examination within the time limit.

5. The Id. P.O. submits that as per Rule No.2 and 3 of the Maharashtra Prison Department (Executive Officers Qualifying Examination) Rules 1977 (Page-46) dtd. 20/8/1977, the Executive Officer working in the cadre of Jailor, Group-I or Group-II if appointed directly has to clear the

departmental qualifying examination within 3 years from the date of his appointment and within 3 chances. By way of reply, the Id. Counsel for the applicant submits that the applicant is a promotee and not a direct recruit and therefore these Rules are not applicable. The Id. P.O. relied on Rule 3(2) and submitted that the applicant is governed under the said Rules. The Rules 2 and 3 reproduced as under :-

2. “In these rules, unless the context requires otherwise

- (a) “Examination” means the Departmental Examination prescribed under these rules;
- (b) “Prison Department” means the Prison Department of the Government of Maharashtra ;

- (c) “ Inspector General” means the Inspector General of Prisons;
- (d) “Executive Officer” means a person working in the cadre of Jailors (Group-I) or (Group-II) and in the cadre of the Superintendent of District Persons Class-II,
3. (1) Every person appointed directly to any post in the cadres of Jailors Group I or Group II or in the cadre of Superintendents of District Prisons, Class II after commencement of these rules, shall be required to pass the Examination in accordance with these rules within a period of five years from the date of his appointment and within three chances.

A candidate from
(1) Scheduled Caste,
Scheduled Tribe and
Denotified Tribes and

Nomadic Tribes, shall be given one more chance and one more year to pass the examination.

(2) Every person working in any post in the cadre of Jailors, Group-I or Group-II or in the cadre of Supdts. of District Prisons Class-II on the date of commencement of these rules, shall, be required to pass the examination within three years and within three chances.

(3) Save as otherwise provided in sub-rule(6), no Executive Officer shall hereafter be promoted in regular vacancy in any higher cadre, unless he has passed the Examination.

(4) An Executive Officer who does not pass the Examination within the period prescribed under sub-rules(1) and (2) above or within the period extended under rule 11 will lose his seniority to all those who have passed the Examination.

(5) Subject to the loss of seniority under sub-rule (4) and Executive Officer shall be allowed to pass the Examination in any number of chances.

During the interim period, that is, the period from the date of the commencement of these rules to the date on which the results of the final examination under these rules are declared, promotion of the Executive Officers to any of the

higher cadres shall be made according to seniority and suitability of persons. However, persons so promoted shall have to pass the Examination under these rules within a period of three years and within 3 chances from the date of commencement of these rules failing which they shall be reverted.”

6. The Id. P.O. submits that Clause-3 is in the nature of residuary and covers all the cases. The submission is misconceived. That is applicable to the employees who are already in service before the date of commencement of that Act.

7. The Id. Counsel for the applicant submits that the objection of the respondents that the applicant is junior is not well

founded. This aspect whether he requires the clearance of examination or not can be well considered in a full fledged trial. It appears hard to hear that any category of the employees can be exempted from passing the departmental examination. At this stage, it cannot be said that the assumption of the respondents that the applicant has lost the seniority by not clearing the qualifying departmental examination cannot be thrown away easily.

8. The matter also does not end there. According to the applicant he is promoted to the post of Jailor, Group-I, that is admitted by the respondents in their reply. The applicant was

initially appointed as a Clerk, then worked as a Jailor Guard, then Group-II and now in Group-I.

9. The Id. Counsel for the applicant urged that he was held eligible for promotion in the DPC dtd. 8/10/2014 (Page-26) but enquiry was going on against him. However, vide report dtd. 16/7/2016 (Annex.A-6, page-30) the applicant is exonerated and thus the hurdle in his way stands removed to get the promotion. It is also urged that the other employees who had not cleared the qualifying departmental examination were promoted as agitated in para 6 (9) of the O.A. and therefore clearance of the examination is not necessary. However, the Id. P.O. argued that

the applicant is also claiming the deemed date and if he succeeds he can get the relief. The applicant has sought the promotion which relief is directory in nature. The aspect that R/3 is junior to the applicant is also not clear due to the non-clearance of the Examination by the applicant. The applicant has challenged the promotional order of R/3 based on the order dtd. 15/2/2016 which may affect his rights because he is the last person in the list to get promotion. This aspect can be considered in the full fledged trial only.

10. The applicant's case is cleared by the DPC. As such he can get the promotion. However, considering the aspect of

clearance of examination, whether the post is available or not and the orders are to be issued by the Govt. and the period left is only of two weeks and the matter is at the interim stage, and moreover the applicant can get the deemed date with retrospective effect on disposal of the O.A., it is better to dispose of the O.A. at an earliest as the pleadings are also completed. As to grant the interim relief as good as to decide the O.A. and grant the final relief which is rarely to be done and in the above factual aspect it will be befitting in the circumstances to consider all these aspects to be decided in its full fledged trial. Hence no interim relief is granted.

Hearing expedited

S.O.

Put up before D.B.

(S.S. Hingne)

Vice-Chairman.

Skt.