

O.A. No. 159/2016. (D.B.)

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

None for the applicants. Shri A.M. Ghogre,
the learned P.O. for the respondents.

S.O. 18th August 2017.

Vice-Chairman (J)

pdg.

O.A. No. 138/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

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

Upon hearing both sides, *prima facie* it appears that the impugned show cause notices are hit by the provisions of Rule 27 of M.C.S. (Pension) Rules, 1982. Therefore, the learned P.O. is directed to take instructions from the concerned respondent as to whether any departmental enquiry can be initiated against the respondent despite the said provision.

In case the respondent comes to a conclusion that the actions are hit by the said provision, corrective steps be taken and report regarding the same be filed on the next date. In case such corrective steps cannot be taken in law, a detailed affidavit in reply explaining the reasons for the same be filed.

S.O. 12th September 2017 for compliance.

To act on steno copy.

Vice-Chairman (J)

pdg.

O.A. No. 251/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

C.A. No. 314/2017.

None for the applicant. Shri A.P. Potnis,
the learned P.O. for the respondent Nos.1 & 3

Await service to R. 2.

S.O. **21st September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 462/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

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

The Ld. P.O. submits that he has received instructions for appearance of respondent Nos. 1 to 4. In the circumstances, there is no await of service of notice

S.O. **22nd September 2017** for filing affidavit in reply at the request of Ld. P.O.

Vice-Chairman (J)

pdg.

O.A. No. 463/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri D.M. Kakani, the learned counsel for the applicant and Shri M.I.Khan, the learned P.O. for the respondent No.1.

Await service to R. 2 and 3.

The learned counsel for the applicant submits that he would file affidavit course of the day.

Ld. P.O. also submits that he will file affidavit in reply.

S.O. 31st August 2017.

Vice-Chairman (J)

pdg.

O.A. No. 464/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri D.M. Kakani, the learned counsel for the applicant and Shri M.I.Khan, the learned P.O. for the respondent No.1.

Await service to R. 2 and 3.

The learned counsel for the applicant submits that he would file affidavit course of the day.

Ld. P.O. also submits that he will file affidavit in reply.

S.O. 31st August 2017.

Vice-Chairman (J)

pdg.

O.A. No. 475/2017.

Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.

Heard Shri P.C. Marpakwar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. Submission from both the sides would show that the appeal is pending before the concerned authority. The learned P.O. submits that in fact said appeal is beyond limitation. The learned counsel for the applicant disputes the same.

3. The learned counsel for the applicant submits that without going into the merits of the case, applicant may be permitted to make or send the supplementary representation on the issue of limitation and the concerned authority may decide the appeal, according to law.

4. In that view of the matter, the present application is disposed of without any order as to costs with liberty to the applicant to make supplementary representation only to the extent of issue of limitation within a period of **two weeks** from the date of this order.

5. Whether the said representation would be received or not by the concerned respondent, appeal be decided within a period of **three**

months from the date of this order. Application is accordingly disposed of.

6. Representation shall be decided with or without any order as to costs.

Vice-Chairman (J)

pdg.

O.A. No. 480/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

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

At the request of the learned P.O., S.O.
12th September 2017.

Vice-Chairman (J)

pdg.

O.A. No. 604/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri V.P. Karhade, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondent No.3.

2. Office objection presently is waived.

2-A. Issue notice to R. 1 and 2 returnable on **3rd October 2017.**

3. Smt. S.V. Kolhe, the learned P.O. waives notice for respondent 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.

Vice-Chairman (J)

pdg.

O.A. No.606 /2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant files a copy of representation of the applicant, the same is accepted. Copy is served to the learned P.O.

2-A. Issue notice to R. 2 to 6 returnable on **6th September 2017.**

3. Shri S.A. Sainis,, the learned P.O. waives notice for respondent 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. In the meantime, the concerned respondent is directed to decide the representation of the applicant, if it is not decided.

9. S.O. **6th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 829/2011.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

R.A. No.16/2017.

Heard Shri S.U. Bhuyar, the learned counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

2. Issue notice to R. 2 and 3 returnable on **27th October 2017.**

3. Shri S.A.Sainis, the learned P.O. waives notice for respondent 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. Applicants are 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 (J)

pdg.

O.A. No. 99/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri S.U. Bhuyar, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

At the request of the learned P.O., S.O. **28th August 2017** for filing affidavit in reply.

Vice-Chairman (J)

pdg.

O.A. No. 300/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

There is a leave note from Shri N.R. Saboo, the learned counsel for the applicant. Heard Shri S.A. Sainis, the learned P.O. for the respondents.

S.O. 11th September 2017.

Vice-Chairman (J)

pdg.

O.A. No.307 /2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri P.C. Marpakwar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R. 1 to 4.

S.O. **7th September 2017** for filing rejoinder, if any.

Vice-Chairman (J)

pdg.

O.A. No. 344/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Miss K.K. Pathak, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R. 1,2,4 and 5. It is taken on record and a copy thereof is supplied to learned counsel for the applicant.

At the request of the learned counsel for the applicant, S.O. **14th September 2017** for filing rejoinder, if any.

Vice-Chairman (J)

pdg.

O.A. Nos.561 & 562 of 2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri Sachin Khandekar, the learned counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

The learned counsel for the applicants submits that he will have to argue the matter on the ground of interim relief. It appears that certain speaking order has already been passed on 2.8.2017 by Shri J.D. Kulkarni Vice-Chairman (J). In the circumstances, list the present O.A. before the same Bench on **6th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No.562 /2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

Heard Shri A. Deshpande / Sachin Khandekar, the learned counsel for the applicant and Shri_____, the learned P.O. for the respondents.

At the request of the learned counsel for the applicant, S.O. _____ **September 2017.**

Vice-Chairman (J)

pdg.

O.A. No.605 /2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

Heard Shri N.Y. Thengre, learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

2. Issue notice to R. 2 to 5 returnable on **7th September 2017.**

3. Shri V.A. Kulkarni, the learned P.O. waives notice for respondent 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. The learned counsel for the applicant submits that similar O.A. bearing No.598/2017 is pending on that date. Therefore, the present O.A. be also tagged with the said O.A.

9. S.O. 7th September 2017.

Vice-Chairman (J)

pdg.

O.A. No. 34/2014.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

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

The learned P.O. submits that search for the documents i.e. record and papers of departmental enquiry is being made.

At his request, S.O. **14th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 786/2015.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

Heard Shri R.A. Haque, learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 and 2. Miss A.S. Ahirkar, Adv. for R. 3.

S.O. **13th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 184/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

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

At the request of the learned counsel for the applicant, S.O. **13th September 2017** for filing rejoinder affidavit.

Vice-Chairman (J)

pdg.

O.A. No. 355/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

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

On instructions from the applicant, the learned counsel for the applicant, submits that the applicant may be allowed to withdraw the O.A. and liberty to take such steps as may be allowed in law and more particularly in view of G.R. dated 11th July 2017 (P.42) (A.6) of the O.A. may be granted. Liberty is granted. In that view of the matter, O.A. is disposed of as withdrawn with no order as to costs.

Vice-Chairman (J)

pdg.

O.A. No. 44/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 16th August 2017.**

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

At the request of the learned counsel for the applicant, S.O. **6th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 297/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

C.A.No.337/2017.

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

S.O. **7th September 2017** for final hearing.

Vice-Chairman (J)

pdg.

O.A. No. 608/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

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

S.O. 18th August 2017.

Vice-Chairman (J)

pdg.

O.A. No. 299/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

There is a leave note from the Ld. counsel for the applicant. Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. Shri G.G. Bade, Adv. for R.4.

Matter be taken on record in due course.

Vice-Chairman (J)

pdg.

O.A. No. 639/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)**

Dated : 16th August 2017.

C.A. No. 49/2017.

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

At the request of the learned counsel for the applicant, S.O. **7th September 2017.**

Vice-Chairman (J)

pdg.

O.A. 149/2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

Shri M.V. Mohokar, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. to 22/9/2017.**

Vice Chairman (J)

dnk.

O.A. Nos. 523,524 & 525 of 2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

None for the applicants.

Shri H.K. Pande, Id. P.O. for respondent
no.1.

Await service of respondent nos. 2 to 4.

S.O. to 13/9/2017.

Vice Chairman (J)

dnk.

Cont. P.St.2244/2017 in O.A.639/2016 (D.B.)

Coram : Justice M.T. Joshi,
Vice-Chairman (J).

Dated : 16.08.2017.

C.A.392/2017

Heard Shri P.V. Thakre, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The learned counsel for the applicant in C.A.392/2017 submits that in fact the copy of the MCA 49/2017 in O.A. 639/2016 is not handed over to him. The learned P.O. submits that in regular course of business the copy is sent by post to the applicant.

3. In para-4 of the present MCA, it was averred that the departmental enquiry is pending against the applicant at Government level. The learned counsel for the employee however submits that no such averments were made in the O.A. as well as no departmental enquiry is pending.

4. The employee was regularly superannuated, still the benefits of the retirement are not released. It appears that some deficiencies are kept in deliberately or otherwise and consequently some objections from the A.G. are raised in imparting some of the benefits.

5. The applicant in MCA 49/2017 is therefore directed to make a statement on affidavit regarding the existence of the departmental enquiry, if any and shall see that all the retiral

benefits are imparted to the present applicant within a period of two weeks.

6. If the statement about the departmental inquiry made in MCA is found to be false, it may incur another contempt proceeding. With this Caveat, **S.O. to 7/9/2017.**

To act on steno copy.

Vice Chairman (J)

dnk.

O.A. 451/2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

Heard Shri T.G. Bansod, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

The learned counsel for the applicant submits that the applicant has instructed him to withdraw the O.A. Allowed to withdraw the O.A. and disposed of as such with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 383/2016 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

Shri P.S. Patil, Id. Counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files affidavit-in-reply on behalf of respondent nos. 2&3. It is taken on record. Copy is given to the other side.

S.O. to 4/9/2017 for hearing on admission.

Vice Chairman (J)

dnk.

O.A. 535/2016 (D.B.)

Coram : Justice M.T. Joshi,

Vice-Chairman (J).

Dated : 16.08.2017.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3. Shri A.D. Girdekar, Id. Counsel for R-4.

The record would show that the applicant was required to satisfy the Tribunal on the issue of jurisdiction. In view of the absence of leaned counsel for the applicant, **S.O. to 6/9/2017** for hearing on jurisdiction or for passing necessary orders.

Vice Chairman (J)

dnk.

O.A. 281/2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

None for the applicant.

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

Learned P.O. files affidavit-in-reply on behalf of respondent no.2. It is taken on record.

S.O. to 14/9/2017 hearing on admission.

Vice Chairman (J)

dnk.

O.A. 361/2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

None for the applicant.

Shri M.I. Khan, Id. P.O. for the
respondents.

At the request of Id. P.O., **S.O. to**
28/8/2017 along with O.A. 737/2016.

Vice Chairman (J)

dnk.

O.A. 372/2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

Shri Sachin Khandekar, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The learned P.O. files affidavit-in-reply on behalf of respondent no.4. It is taken on record. Copy is given to the learned counsel for the applicant. The learned P.O. seeks time to file affidavit-in-reply on behalf of respondent no.2.

3. Upon hearing both the sides, it prima facie appears that the decision in O.A. Nos. 74/2015 & 78/2015 (P-97) would be applicable in the present case also. In the circumstances, instead

of filing detailed affidavit-in-reply, the respondent no.2 is directed to file short affidavit as to what are the reasons for not applying the same principle, as classified clarifying in the decision of the said O.A. The respondents may also take corrective steps.

4. **S.O. to 11/9/2017** for filing short affidavit by respondent no.2 or for filing compliance report, upon taking corrective steps.

To act on steno copy.

Vice Chairman (J)

dnk.

O.A. 611/2017 (D.B.)

**Coram : Justice M.T. Joshi,
Vice-Chairman (J).**

Dated : 16.08.2017.

1. Heard Shri P.S. Patil, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1.
2. Issue notice to R-2 to 4, returnable on 04-09-2017. 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. Considering the fact that as per the documents filed by the applicant, the appointments may be made in the meantime it is hereby clarified that the appointment made shall be subject to the decision in the present O.A. The respondent no.3 and or the concerned respondents is/are hereby directed to publish on its website the Notification of filing of the present O.A. and at the time of issuing appointment order/s to any other candidates a sentence should be added that the appointment shall be subject to the present O.A. No.611/2017 filed in the Maharashtra Administrative Tribunal, Mumbai Bench at Nagpur.

8. **S.O. 04-09-2017.**

9. To act on steno copy.

Vice Chairman (J)

dnk.