

**O.A. No.481/2018.**

**(S.B.)**

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

**Dated : 2<sup>nd</sup> July 2018.**

Heard Shri A.C. Dharmadhikari, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent Nos. 1 and 2. None for R. 3 and 4.

2. The applicant has challenged the order dated 29.6.2018 issued by respondent No.1, whereby the applicant has been sent on deputation for one year as per Rule 40 (2) of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments During Suspension, Dismissal and Removal )Rules, 1981 (In short Rules of 1981). The applicant has been sent on deputation to CIDCO at New Mumbai to the post of District Superintendent of Land Records. The Ld. counsel for the applicant submits

that the applicant has not given any consent for such deputation against the person who has been deputed to the foreign service which is not admissible as per Rule 36 of the Rules of 1981.

3. It is further stated that the Govt. has constituted a Committee for issuing transfer orders known as "State Service Board" as per the recommendation of the Hon'ble Apex Court. The said committee has to accept the recommendations. The applicant was recommended for Thane. Instead of giving him posting at Thane, he has been transferred to New Mumbai. The Ld. CPO submits that the applicant has been deputed as per Rule 40 of the Rules of 1981 for which no consent is required. Material question to be considered in this case is whether the consent for deputation is required or not. The applicant has made a statement on affidavit that he has not yet been relieved from his post at Chandrapur. In view thereof, the respondents are

directed not to relieve the applicant from Chandrapur till reply affidavit is filed in this case.

4. The Ld. CPO has taken objection to the challenge of transfer order of respondent No.4 Anil Mane from Nasik to Thane. Admittedly, from the option form, it seems that the applicant has not given option for Thane and Shri Mane is not transferred in place of the applicant. Considering this aspect, at this juncture, there is no need to issue notice to respondent No.4.

5. In the meantime, issue notice to remaining respondents returnable in two weeks.

6. Shri Deo, Ld. CPO waives notice for R. 1 and 2. Hamdast granted.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. 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.

9. 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.

10. In case notice is not collected within seven days, and if service report on affidavit is not filed within three days before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

11. S.O. **two weeks.**

Vice-Chairman (J)

**O.A. No.475/2018.**

**(S.B.)**

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

**Dated : 2<sup>nd</sup> July 2018.**

Heard Shri S.S. Shingane, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Vide impugned communication dated 15.3.2018 (A.3) and second communication dated 12.6.2018 (A.4), the respondents are recovering the amount from the salary of the applicant on the ground that the pay fixation was wrongly done since 1.7.2002. Vide the said communication, the amount of Rs. 7,79,595/- is being recovered. The said recovery is stayed till reply affidavit is filed by the respondents.

3. In the meantime, issue notice to remaining respondents returnable in **four weeks.**

4. Shri Deo, Ld. CPO waives notice for R. 1 and 2. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. In case notice is not collected within seven days, and if service report on affidavit is not filed within three days before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **four weeks.**

Vice-Chairman (J)

pdg.

**O.A. No.476/2018.**

**(S.B.)**

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

**Dated : 2<sup>nd</sup> July 2018.**

Heard Shri S.M. Khan, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **9<sup>th</sup> July 2018.**

Vice-Chairman (J)



**O.A. No.637/2017.**

**(S.B.)**

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

**Dated : 2<sup>nd</sup> July 2018.**

Heard Shri H.N. Potbhare, the Ld. counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents 1 to 4. None for R.5.

The Ld. counsel for the applicant submits that he wants to go through the record which has been brought by the Ld. P.O. and seeks time for the same.

**S.O. 11<sup>th</sup> July 2018.**

Vice-Chairman (J)

**O.A. No.842/2012.**

**(S.B.)**

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

**Dated : 2<sup>nd</sup> July 2018.**

Heard Shri A.A. Saiyyad, Adv. holding for Shri H.D. Dangre, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that due to fever, he could not attend the court and argue the matter and he will argue the same on the next day , without fail. Considering his statement, matter be kept on 17.7.2018.

**S.O. 17<sup>th</sup> July 2018.**

To be tagged with O.A. No.316/2012.

Vice-Chairman (J)

O.A. No.567/2017.

(S.B.)

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

**Dated : 2<sup>nd</sup> July 2018.**

**C.A. No. 09/2018.**

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 and 2. None for R. 3 and 4. Shri D.M. Kakani, Ld. Adv. for R.5.

No reply has been filed in the C.A. by respondent No.5. ON 15.3.2018, it was decided that the C.A. will be considered with the O.A. and the matter was admitted for final hearing. On 16.4.2018, at the request of Ld. counsel for the applicant, matter was kept after summer vacation. After vacation, matter is coming for the first time, The counsel for R.5 and the Ld. P.O. are present. But none appeared for the applicant. Hence, the matter be taken up for final hearing without fail on **5<sup>th</sup> July 2018.**

S.O. **5<sup>th</sup> July 2018.**

Vice-Chairman (J)

**O.A. No.979/2017.**

**(S.B.)**

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

**Dated : 2<sup>nd</sup> July 2018.**

Heard Shri A.P. Tathod, the  
Ld. counsel for the applicant and Shri  
the learned P.O. for the respondent  
Nos. 1 to 3. Shri P.A. Kadu, Adv. for  
R. 4.

Closed for orders.

Vice-Chairman (J)

pdg.

**O.A. 109/2018 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Shri S.A. Sahu, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned counsel for the applicants, **S.O. four weeks.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 750/2009 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1. Shri R.A. Jain, Id. counsel holding for Shri Marathe, Id. counsel for R-2&3.

At the request of Id. counsel for R-2&3, **S.O. two weeks.**

Pup along with O.A.751/2009.

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 751/2009 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Shri R.A. Jain, Id. counsel holding for Shri Marathe, Id. counsel for R-2&3.

At the request of Id. counsel for R-2&3, **S.O. two weeks.**

Pup along with O.A.750/2009.

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 646/2017 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

**C.A.Nos. 486/2017 & 412/2017**

Shri S. Borkute, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. two weeks** for filing reply on the C.As. by way of last chance.

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. St. 307/2018 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**



**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

**C.A.41/2018**

Shri R.S. Khobragade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O.**  
**one week** for filing reply on C.A.

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 925/2010 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

**C.A. 118/2018**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4&5.

For the reasons stated in the application, the C.A. for early hearing is allowed.

**O.A. 925/2010 -**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4&5.

**S.O. 19/07/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 110/2018 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Heard Shri A.S. Nikose, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2 to 6, returnable in four weeks. 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. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 193/2015 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1&2.

Shri R.A. Jain, Id. counsel appears and seeks time to file Vakalatnama on

behalf of R-3. At his request, **S.O. two weeks** for filing Vakalatnama.

**Member(A) Vice-Chairman(J)**

dnk.

**O.A. 25/2018 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 4 and Shri D.U. Thakare, Id. counsel for R-4&5.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for R-1 to 4.

**S.O. 06/07/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 95/2018 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Shri S.B. Tiwari, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and N.A. Palshikar, Id. counsel for R-2.

At the request of learned counsel  
for R-2, **S.O. two weeks** for filing reply.

**Member(A) Vice-Chairman(J)**

dnk.

**O.A. 859/2012 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Heard Shri B.D. Pandit, Id. counsel  
for the applicant and Shri H.K. Pande, Id.  
P.O. for the respondents.

After hearing the matter for some  
time, the learned counsel for the  
applicant seeks time to take instructions

from the applicant. At his request, **S.O.**  
**10/07/2018.**

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

**Member(A) Vice-Chairman(J)**

dnk.

**O.A. 427/2016 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Shri P.S. Chawhan, Id. counsel for  
the applicant and Shri A.M. Khadatkar,  
Id. P.O. for the respondents.

At the request of Id. counsel for  
the applicant, **S.O. 09/07/2018.**



**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 257/2017 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 02/07/2018**

Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. has placed on record seniority list of the Office Superintendent as well as seniority list of the Senior Tribal Development Inspector as on 01/01/2016. The same are marked Exh-X and X1 respectively for the purposes of identification. Copies of the

same are given to the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, **S.O. 03/07/2018.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A.No.327/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 02.07.2018.**

Heard Shri G.K.Bhusari, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondent nos. 1 and 2. Shri S.N.Gaikwad, Id. Counsel for respondent no. 3.

The Id. Counsel for the applicant has filed a copy of Judgment delivered by

Principal Bench of this Tribunal i.e. Maharashtra Administrative Tribunal, Mumbai. The same is taken on record as marked Exh."X".

As per the request of Id. P.O., **S.O. two weeks** for reply.

**Member**

**(A)**

aps.

O.A.No.226/2018 (S.B.)

**Coram** : Hon. Shri Shree Bhagwan,  
Member (A)

**Dated** : **02.07.2018.**

**C.A.No. 247/2016 & 85/2018:-**

None for the applicant. Shri P.N.Warjurkar, Id. P.O. for the respondents.

As per the request of Id. P.O., **S.O. next week.**

**Member**

**(A)**

aps.

O.A.No.329/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 02.07.2018.**

Shri P.A.Kadu, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondent nos. 1 to 4. The Id. Counsel for the applicant is ready to file service affidavit

on behalf of the respondent no. 5, during the course of the day.

The Id. P.O. seeks two weeks time to file affidavit-in-reply. As per his request, **S.O. two weeks.**

**Member**

**(A)**

aps.

O.A.No.332/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 02.07.2018.**

Shri P.A.Kadu holding for Shri S.M.Vaishnav, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. Counsel for the applicant submits that he will remove the office objection within a week. As per his request,

**S.O. 09/07/2018.**

*Interim relief is continued.*

**Member**

**(A)**

aps.

O.A.No.419/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**

**Member (A)**

**Dated : 02.07.2018.**

Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. Counsel for the applicant submits that the respondent no. 3 name should be deleted because she has already joined at Amravati, Permission is granted to do the same. He further submits that two weeks time is needed to file the service affidavit on behalf of the respondent no. 2.

At the request of Id. Counsel for the applicant, **S.O. two weeks.**

*In order dated 18/06/2018 in para no. 2 status-quo has been granted, the same is continued till next date of hearing.*

**Member**

**(A)**

aps.

O.A.No.675/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 02.07.2018.**



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

The Id. Counsel for the applicant submits that criminal proceeding is withdrawn and he has filed pursis on 06/06/2018 alongwith District Court order is attached i.e. the applicant has been discharged from the criminal proceedings. Now, his suspension period i.e. 29/04/2010 to 13/08/2014 is to be decided by competent authority. He is retired on 30/11/2015.

The Id. P.O. submits that since this order is received on April only, so he will take instructions from the department and matter will be listed at 09/07/2018.

**S.O. 09/07/2018.**

**Member**

**(A)**

aps.

O.A.No.328/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 02.07.2018.**

Shri G.K.Bhusari, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. has submitted one document on record which is marked Exh."X". The Id. P.O. submits that the applicant has been given counseling. However, after counseling department order copy is not placed on record. The Id. P.O. requires to submit department transfer order copy and same should be supplied to the Id. Counsel for the applicant for filing reply for the same.

**S.O. one week** for filing reply for applicant's counsel.

**Member**

**(A)**

aps.

O.A.No.421/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 02.07.2018.**

Shri T.U.Tathod, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The Id. Counsel for the applicant submits that the applicant is willing to join at transfer place. As per the impugned order, the O.A. become infructuous and the Id. Counsel for the applicant desires to withdraw the O.A. He is permitted for the same.

The O.A. stands disposed off as withdrawn.

*No order as to costs.*

*Steno copy is granted.*

**Member**

**(A)**

aps.

O.A.No.423/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**

**Member (A)**

**Dated : 02.07.2018.**

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

As per the request of Id. P.O., **S.O. two weeks** for filing reply.

*In order dated 18/06/2018 in para no. 2, status quo was granted, the same is continued till next hearing.*

**Member (A)**

aps.