

O.A. No. 175/2010.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

M.C.A. No.31/2017.

Miss Bhagyashree Savhale, Adv. holding for Shri A.R. Patil, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 and 2.

The learned counsel for the applicant submits that she will file service affidavit of R.3.

At the request of the learned counsel for the applicant, S.O. **18th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 412/2017.

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

Dated : 21st August 2017.

C.A. No.277/2017.

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O. seeks time to file affidavit in reply to the condonation of delay. Upon hearing the parties, it appears that the case of the present applicant for family pension is pending with respondent No.2 since last eleven years, as can be seen from the documents annexed to the O.A. In the circumstances, besides filing affidavit in reply to the application for limitation, respondent No.2 is directed to take corrective steps according to law and take a decision on family pension of the present applicant and a report shall also be filed alongwith an affidavit in reply on the next date.

S.O. 10th October 2017.

To act on steno copy.

Vice-Chairman (J)

O.A. No. 642/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

C.A. No.325/2017.

None for the applicant. Shri S.A. Sainis,
the learned P.O. for the respondents.

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

S.O. **3rd October 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 505/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

C.A. Nos.331 & 332 of 2017.

Heard Shri N.R. Saboo, the learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned counsel for the applicants submits that the notice is already served and only service affidavit is remained to be filed. In the circumstances, learned CPO submits that there are instructions to appear in the condonation of delay.

At his request, S.O. **27th September 2017** for filing reply.

Vice-Chairman (J)

pdg.

O.A. No. 517/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

C.A. No.336/2017.

None for the applicant. Shri S.A. Sainis,
the learned P.O. for the respondents.

The learned P.O. submits that he has
instructions to appear for R. 2 and 3.

At the request of Ld. P.O., S.O.
3rd October 2017 for filing affidavit in reply.

Vice-Chairman (J)

pdg.

O.A. No. 783/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Smt. D.I. Charlewar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The learned P.O. has filed reply on behalf of R.5. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

Ld. P.O. seeks time to file reply of R. 2 to 4.

At his request, S.O. **4th October 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 147/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

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

The learned P.O. has filed reply on behalf of R. 1 and 2 and No.3 separately. They are taken on record and copies thereof are supplied to the learned counsel for the applicant.

S.O. **4th October 2017** for hearing on admission.

Vice-Chairman (J)

pdg.

O.A. No. 322/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

None for the applicant. Shri S.A. Sainis,
the learned P.O. for the respondent No.1.

Await service to R. 2 to 4.

The learned P.O. seeks time to file reply
on behalf of the respondents. Time granted.

S.O. **4th October 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 493/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Shri S.N. Gaikwad, the learned counsel for the applicants and Shri A.P. Potnis, the learned P.O. for the respondents No.1.

Await service to R. 2 and 3.

At the request of the learned counsel for the applicant, S.O. **27th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 637/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Mrs. P.T. Joshi, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the learned P.O., S.O. **27th September 2017** for filing reply.

Vice-Chairman (J)

pdg.

O.A. No.725/2016.

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

Dated : 21st August 2017.

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

While the learned counsel for the applicant relies on the ratio of the decision rendered by the Division Bench of the High Court in W.P. No.8632/2009 and more particularly para 4 of the said judgment, the learned P.O. relies on the provisions of Section 2 (a) of Section 25 of the Maharashtra Police Act, 1951.

It appears that the decision of the High Court was based on the earlier standing orders as well as rules, as there is no reference of the Section of the Act and, therefore, it *prima facie* appears that the decision in the Writ Petition would not be applicable in the present case.

The learned counsel for the applicant, however, seeks time to clarify on the issue.

At his request, S.O. **4th September 2017.**

Vice-Chairman (J)

O.A. No. 64/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondent No.1. None for R.2.

At the request of the learned P.O., S.O. **4th October 2017** for filing affidavit in reply of R.1.

Vice-Chairman (J)

pdg.

O.A. No. 117/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Shri A.K. Waghmare, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of the learned P.O., S.O. **28th September** 2017 for filing reply of R.1.

Vice-Chairman (J)

pdg.

O.A. No. 318/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

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

At the request of the learned counsel for the applicant, S.O. **22nd August 2017** for seeking instructions regarding withdrawal, if any.

Vice-Chairman (J)

pdg.

O.A. No. 455/2017.

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

Dated : 21st August 2017.

Heard Shri S. Borkar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1. Shri V.G. Palshikar, Adv. for R. 2 to 5.

The learned P.O. seeks time to file affidavit in reply. The learned counsel for the applicant submits that despite interim relief granted by this Tribunal, salary of the present applicant has been stopped by the concerned respondent. In the circumstances, decision of the respondents of stopping of payment of salary against the order of this Tribunal may invoke *suo motu* action for Contempt of Court. Time to file affidavit in reply is granted till **27th September 2017.**

To act on steno copy.

Vice-Chairman (J)

pdg.

O.A. No. 508/2017.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

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

The request of the learned counsel for the applicant seeks time to satisfy the order of this Tribunal.

At the request of the learned counsel for the applicant, S.O. **22nd August 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 818/2015.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Miss M.S. Joshi, Adv. holding for Shri A. Athalye, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. None for R.3.

The learned counsel for the applicant seeks time.

Affidavit in reply of R.3 is not filed on record.

S.O. **25th September 2017** to file reply or to proceed with the O.A. without any reply.

Vice-Chairman (J)

pdg.

O.A. No. 22/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents. Miss. P.D. Rane, Adv. for the Intervener.

O.A. No. 411/2017 be taken on board as per the order of this Tribunal dated 17.1.2017.

The Ld. counsel for the Intervener seeks time to file reply as directed by the said order dated 17.1.2017.

S.O. 7th September 2017.

Vice-Chairman (J)

pdg.

O.A. No. 241/2016.

**Coram : Justice M.T. Joshi
Vice-Chairman (J)
Dated : 21st August 2017.**

Heard Shri S.N. Gaikwad, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 and 2. Shri K.T. Tople, Adv. for R.3.

The Ld. counsel for R.3 seeks time to file reply.

At his request, S.O. **26th September 2017.**

Vice-Chairman (J)

pdg.

O.A. No. 265/2016.

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

Dated : 21st August 2017.

Heard Shri S.N. Gaikwad, Adv. holding for H.D. Futane, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The learned counsel for the applicant submits that as a last chance, matter may be postponed for a week.

At his request, S.O. **1st September 2017.**

Vice-Chairman (J)

pdg.

O.A. 222/2013

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

Dated : 21.08.2017.

Shri S.P. Palshikar, Id. Counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicants, **S.O. to 6/9/2017.**

Vice Chairman (J)

dnk.

O.A. 533/2015

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

Dated : 21.08.2017.

Shri A.K. Tripathi, Id. Counsel holding for
Shri Anand Deshpande, Id. Counsel for the
applicant and Shri M.I. Khan, Id. P.O. for R-1&2.
Shri A.J. Thakkar, Id. Counsel for R-3.

At the request of Id. Counsel for the
applicant, **S.O. to 13/9/2017.**

Vice Chairman (J)

dnk.

O.A. St. 1919/2016 (D.B.)

Coram : Justice M.T. Joshi,

Vice-Chairman (J).

Dated : 21.08.2017.

C.A.475/2016 -

Shri S.P. Palshikar, Id. Counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1, none for R-3&13 and none for R-6,16 & 17. Await service of R-2,4,5, 7 to 12,14 & 15.

At the request of Id. Counsel for the applicant, **S.O. to 6/9/2017** for filing service affidavit.

Vice Chairman (J)

dnk.

O.A. 615/2017 (D.B.)

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

Dated : 21.08.2017.

C.A.397/2017 -

Heard Shri P.J. Mehta, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

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

O.A.615/2017 .

2. Issue notice to R-2, returnable on 29/08/2017. 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. Since the O.A. No.481/2017 on the same issue is fixed on the same date be kept along with this O.A.

8. **S.O. 29/08/2017.**

Vice Chairman (J)

dnk.

O.A. 547/2014 (D.B.)

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

Dated : 21.08.2017.

MCA 28/2017 .

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Original respondents) and none for the respondent (Original applicant).

2. For the reasons stated in the application, the extension of time of further six months for completing the departmental enquiry with effect from the date of filing of application, i.e., 21/4/2017 is hereby granted.

3. The application is accordingly disposed of.
No costs.

Vice Chairman (J)

dnk.

O.A. 80/2016 (D.B.)

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

Dated : 21.08.2017.

None for the applicant.

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

Objections are not removed.

S.O. to 01/09/2017.

Vice Chairman (J)

dnk.

O.A. 492/2017 (D.B.)

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

Dated : 21.08.2017.

1. Shri R.B. Dhore, Id. Counsel for the applicants and Smt. S.V. Kolhe, Id. P.O. for R-1. Await service of R-2&3.
2. At the request of learned counsel for the applicant, issue fresh notice to R-2 and 3, returnable on 26/9/2017. 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. Service affidavit be filed accordingly.

8. **S.O. to 26/9/2017.**

Vice Chairman (J)

dnk.

O.A. 597/2016 (D.B.)

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

Dated : 21.08.2017.

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the
respondents.

At the request of Id. P.O., **S.O. to
27/9/2017** for filing reply-in-affidavit.

Vice Chairman (J)

dnk.

O.A. 218/2017 (D.B.)

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

Dated : 21.08.2017.

Shri G.C. Khond, Id. Counsel holding for
Shri G.N. Khanzode, Id. Counsel for the applicant
and Shri P.N. Warjurkar, Id. P.O. for R-1 to 4.
None for R-5.

At the request of Id. P.O., **S.O. to
11/10/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A. 241/2008 (D.B.)

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

Dated : 21.08.2017.

Shri N.D. Thombre, Id. Counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1,2 and 7 and Shri D.T. Shinde, Id. Counsel for R-3 to 6.

The learned P.O. files reply on behalf of R-2. It is taken on record. Copies are given to the other sides.

The matter is already admitted.

Put up before regular Division Bench as and when available.

Vice Chairman (J)

dnk.

O.A. Nos. 459 & 503 of 2017 (D.B.)

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

Dated : 21.08.2017.

Shri R.V. Shiralkar, Id. Counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

The learned CPO seeks four weeks time to file reply.

The learned counsel for the applicants submits that in the meantime the exercise of further promotion is in process. In the circumstances, as a last chance time is granted to file reply.

S.O. to 3/10/2017.

Vice Chairman (J)

dnk.

O.A. No. 310/2017 (D.B.)

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

Dated : 21.08.2017.

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

2. The learned P.O. seeks time to file reply. It appears that issue in the present application is covered by the relevant rules as well as the directions given in O.As.584/2005 & 122/2002 (A-13,P-36) by the Division Bench of the Tribunal vide order dated 25/4/2017. The respondent no.2 is therefore directed to re-consider the issue and take the corrective steps according to law in the light of the above observations and the report regarding the same shall be filed on the next date. In case, the respondent no.2 comes to the conclusion that the corrective steps cannot be taken according to law, then a short affidavit explaining as to why the corrective steps cannot be taken, be filed on the next date.

S.O. to 13/9/2017.

To act on steno copy.

Vice Chairman (J)

dnk.

O.A. No. 110/2017 (D.B.)

Coram : Justice M.T. Joshi,

Vice-Chairman (J).

Dated : 21.08.2017.

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1 to 3.

None for R-4&5.

At the request of Id. CPO, **S.O. to 30/10/2017.**

Vice Chairman (J)

dnk.

O.A. No. 50/2017 (D.B.)

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

Dated : 21.08.2017.

Heard Shri P.S. Khubalkar, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2. None for R-3.

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

3. Upon hearing both the sides, it appears that respondent no.2 has taken a decision not to give preference to the present applicant, only

because he is suffering from 85% of physical disability to his left hand and the same fact is appeared in the Certificate filed by the applicant at Annex-A-1. It is to be noted that the post is of Talathi whose regular work would be of writing. In the circumstances, the respondents could have sought the opinion of the Civil Surgeon of District Buldhana instead of taking its own decision in the matter, since the respondent no.2 cannot be an expert.

4. In the circumstances, the respondent no.2 is directed to refer the present applicant to the Civil Surgeon, Buldhana to examine as to whether the present applicant is fit for carrying the usual duties of Talathi. Considering the provisions of the G.R. dated 2/9/1983 (A-R-2,P-16), the interim relief in terms of prayer Clause 7.1 is hereby granted which runs as under :-

“During the pendency of the instant petition, by way of interim relief, stay the effect and operation of the final selection list (Annexure P-11) published by the respondent no.2, the Collector, Buldhana and restrain the respondent no.2 from acting upon the final selection list and giving appointment order to the respondent no.3.”

5. The respondent no.2 is also directed to file a certificate of the Civil Surgeon, Buldhana on or before the next date.

S.O. to 10/10/2017.

To act on steno copy.

dnk.

Vice Chairman (J)