

O.A. No. 38/2018. (D.B.)

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

Dated : 7th February 2018.

Heard Shri G.N. Shitut, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for respondent No. 1.

2. Issue notice to respondent Nos.2 and 3 returnable after **four weeks.**

3. Shri S.A. Deo, the Ld. C.P.O. waives notice for the 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. S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 45/2018. (D.B.)

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

Dated : 7th February 2018.

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

2. As per directions of this Tribunal in O.A. No.210/2016, the respondents have taken a decision on the appeal and the said impugned decision is dated 12.10.2017. Appeal has been rejected. The applicant has, therefore, preferred this O.A., challenging the decision in the appeal, whereby the decision of competent authority to terminate the applicant has been made. Admittedly, the stay was continued for recovery of the so-called amount against the applicant which was wrongly paid to him. In view therefore, stay to the recovery is continued till further orders. The respondents are directed not to recover the amount, if not recovered.

3. Issue notice to respondent Nos.2 and 3 returnable after **four weeks.**

4. Shri S.A. Deo, the Ld. C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

7. 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.

8. 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.

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

Vice-Chairman(J)

pdg

O.A. No. 447/2017. (D.B.)

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

Dated : 7th February 2018.

Shri R.D. Hazare, Adv. holding for Shri M.M. Sudame, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

Since pleadings are complete, O.A. is admitted with liberty to the applicant to file rejoinder, if necessary.

Shri M.I. Khan, the Ld. P.O. waives notice for all the respondents.

Put up for final hearing with consent of parties after **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 598/2017. (D.B.)

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

Dated : 7th February 2018.

None for the applicant. Shri S.A. Deo, the
Ld. C.P.O. for the respondents 1 to 5. Shri S.C.
Deshmukh, Adv. for R.5.

Reply of respondent Nos. 1 to 4 is filed on
record.

Reply of respondent No.5 is filed on
record. Copy is served to both sides.

Since nobody is present for the applicant,
matter is kept for filing rejoinder after two weeks.

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 654/2017. (D.B.)

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

Dated : 7th February 2018.

None for the applicant. Shri M.I. Khan, the
Ld. P.O. for the respondent No.1.

Applicant has not filed service affidavit of
R. 2 and 3.

S.O. three weeks.

Vice-Chairman(J)

pdg

O.A. No. 372/2017. (D.B.)

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

Dated : 7th February 2018.

Shri A. Deshpande, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. 122/2017 (SB)

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

Dated : 7.2.2018

C.A.58/2017

Shri I.S. Charlewar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri Mokadam appears on behalf of R-4 and submits that he will file vakalatnama.

At the request of learned counsel for R-4, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 14/2018 with C.A.19/2018 (SB)

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

Dated : 7.2.2018

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

2. Shri Bade, learned counsel files rejoinder on behalf of the applicant to the reply filed by respondent no.2. It is taken on record. Copy is served to the learned P.O.

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

4. The learned P.O. waives notice for R-1&2.

S.O. 12/2/2018.

Vice Chairman (J)

dnk.

O.A. 98/2018 (SB)

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

Dated : 7.2.2018

C.A.31/2018

Heard Shri J.D. Kidilay, 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.98/2018 .

Heard Shri J.D. Kidilay, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicants are working as Office Assistant and Consultant Project Assistant in the office of MSBTE since 2006. The dates of appointment orders of different applicants have been specified in Annex-A-2 at P.B. page no.24. They have claimed their regularization in this O.A. It is their case that they have been appointed by duly formed Selection Committee and under due process of law except applicant no.3 Shweta R. Nimje. All other applicants are still in service and the applicants have claimed interim relief for continuation. The learned counsel for the applicants has placed reliance on the interim relief order passed by this Tribunal at its Mumbai Bench in M.A.No. 28/2018 in O.A. 61/2018 with O.A.61/2018 on 19/1/2018 and order passed in O.A.No.98/2018 on 5/2/2018. In these orders, the interim reliefs have been given to the similar situated employees. Considering this fact, the respondents are directed to allow the applicants to serve in the department. So far as the applicant no.3 is concerned, the learned counsel for the applicants admits that she is not in service and nobody is appointed in her place. If

it is so, the respondents are directed to pass necessary orders regarding her appointment, as she was being appointed on earlier terms and conditions provided further that no one is appointed in her place.

3. Issue notice to R-2 to 4, returnable in **four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the

case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

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

Vice Chairman (J)

dnk.

O.A. 617/2017 (SB)

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

Dated : 7.2.2018

Heard Shri N.S. Warulkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2.

2. The applicant is claiming that the transfer order dated 31/5/2017 (Annex-A-1, P-12) issued by respondent no.2 in respect of Laboratory Scientific Officer so far as the applicant is concerned be quashed and set aside.

3. The applicant has been transferred from Rural Hospital, Chatari to Rural Hospital, Sindkhedraja. It is stated that the applicant has not yet been relieved from Chatari and he is still working there. It seems that the applicant is

proceeding on leave time and again and he does not want to joint at Sindkhedraja. The applicant is due for retirement within 11 months and nobody is posted in his place. In view thereof, the learned P.O. is requested to get instructions as to whether the applicant can be accommodated at Chatari itself till his retirement. This may avoid unnecessary absence of the applicant on account of transfer and his services may be utilized in a better way.

4. The matter be kept on 16/2/2018 for passing necessary order.

Vice Chairman (J)

dnk.

O.A. 995/2017 **(SB)**

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

Dated : 7.2.2018

Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1. Await service of R-2 to 4.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A. 06/2018 (SB)

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

Dated : 7.2.2018

Shri N. Bargat, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1. Await service of R-2 to 4.

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

Vice Chairman (J)

dnk.

O.A. 08/2018 (SB)

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

Dated : 7.2.2018

Shri Nishan Pradhyankar, Id. counsel holding for Shri A. Ramteke, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2.

At the request of Id. counsel for the applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. 15/2018 (SB)

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

Dated : 7.2.2018

C.A.20/2018

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

S.O. Next week.

Vice Chairman (J)

dnk.

O.A. 24/2018 (SB)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 7.2.2018

Ms. Nazia Pathan, Id. counsel holding for Mr. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

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

Vice Chairman (J)

dnk.

O.A. 610/2017 (SB)

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

Dated : 7.2.2018

Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 771/2017 (SB)

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

Dated : 7.2.2018

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

The learned P.O. files reply-affidavit on behalf of R-3. It is taken on record. Copy is served on the applicant.

S.O. 15/2/2018.

Vice Chairman (J)

dnk.

O.A. 783/2017 (SB)

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

Dated : 7.2.2018

Shri S. Dwivedi, Id. counsel holding for
Shri P.S. Patil, Id. counsel for the applicant and
Shri S.A. Sainis, Id. P.O. for the Respts.

At the request of Id. counsel for the
applicant, **S.O. 12/2/2018** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. 786/2017 (SB)

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

Dated : 7.2.2018

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

The learned P.O. files reply-affidavit on behalf of R-2. It is taken on record. Copy is served on the applicant.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 802/2017 (SB)

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

Dated : 7.2.2018

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the respondents.

S.O. two weeks for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. 937/2017 (SB)

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

Dated : **7.2.2018**

Shri N.S. Warulkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the Respts.

The learned P.O. files reply-affidavit on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

S.O. one week for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. 18/2018 (SB)

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

Dated : 7.2.2018

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the
respondents.

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

Vice Chairman (J)

dnk.