

O.A. No. 188/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.

Heard Shri N.D. Thombre, Adv. holding for Shri N.R. Saboo, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Put up before the regular D.B. when available.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 160/2017.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

C.A.No.236/2017.

Heard Shri S.D. Kotkar, the learned counsel for the applicants and Shri SA. Sainis, the learned P.O. for respondents.

2. This Tribunal vide order dated 27.3.2017 has stayed the order dated 23.3.2017 passed by the Chief Conservator of Forests (Territorial), Amravati and consequent order of applicants' posting, which was issued on the same date. Net effect of the said stay order was that the applicants would have continued to work as Foresters in the places where they were working before they were reverted. The said order was to be effective till affidavit in reply was filed by the respondents. The learned counsel for the applicants states that no affidavit in reply has been filed by the respondents, though more than three months have already elapsed. Despite the stay order, applicants have been reverted to lower posts and they are not allowed to work as Forester nor their salary has been paid to them. He therefore, prayed that action for Contempt of

Court may be initiated against respondent No. 2. The learned counsel for the applicants is asked to give the name of respondent No.2. He informs that Shri Sanjiv Gaud is the Chief Conservator of Forests (Territorial), Amravati.

3. Notice may be issued to Shri Sanjiv Gaud, the Chief Conservator of Forests (Territorial), Amravati asking him to show cause why action under Contempt of Court Act should not be initiated against him for his failure to abide by the order of this Tribunal dated 27.3.2017. He should take immediate corrective steps before the next date or he should remain personally present before this Tribunal to explain the circumstances in which the order of this Tribunal could not be obeyed. Hamdast granted.

S.O. 24.7.2017.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 330/2015.

Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).

Dated : 7th July 2017.

C.A.No.283/2017 in C.P.(St.)No.881/2017.

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

2. The Ld. P.O. places on record the copies of two orders both dated 6.7.2017 passed by Collector, Nagpur, granting benefit of second Assured Career Progressive Scheme to the applicant as per the decision of this Tribunal dated 4.10.2016 in O.A. No.330/2015. The learned counsel for the applicant is satisfied with the order passed by the respondents. The Ld. P.O. states that the monetary benefits will be released to the applicant within a period of two weeks. C.A. seeking permission to initiate contempt proceedings is disposed of accordingly with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 427/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

C.A.No.315/2017.

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

S.O. two weeks.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 244/2013.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

Heard Miss N.S. Pathan, the learned counsel for the applicant and Shri, the learned P.O. for respondents 1 to 3. None for R.4.

S.O.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 704/2015.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

Heard Shri P.V. Thakre, the learned counsel for the applicants and Shri, P.N. Warjekar, the learned P.O. for respondents 1 & 2. None for R. 3 to 5.

O.A. admitted.

Shri, P.N. Warjekar, the learned P.O. waives notice for respondents 1 & 2.

To come up for final hearing in due course.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 699/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 373/2016.

Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.

Heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri V.A. Kulkarni,, the learned P.O. for respondents 1 and 2. Shri R.V. Shiralkar, Adv. for R.3.

The learned counsel for the applicant states that, by order dated 28.12.2016, the applicant has been appointed and selected to the post of Associate Professor. However, the applicant appears to have some grievance about her placement in the merit list prepared by MPSC and the learned counsel for the applicant seeks liberty of this Tribunal to seek appropriate legal remedy. O.A. is disposed of with liberty sought by the applicant. No order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 408/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

Heard Shri A.M. Haque, the learned
counsel for the applicant and Shri H.K. Pande,
the learned P.O. for respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 550/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 560/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 404/2017.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

There is a leave note from Shri J.D. Gilda, the learned counsel for the applicants. Heard Mrs. M.A. Barabde, the learned P.O. for respondents.

Ld. P.O. seeks time to file reply on behalf of the respondents.

S.O. 4.8.2017.

Vice-Chairman (J)

Vice-Chairman (A)

pdg

O.A. No. 310/2017.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

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

The learned counsel for the applicant is pressing that final order may be passed because this case is fully covered by the judgment delivered by this Tribunal. The Ld. P.O. sought a chance to file affidavit in reply. Last chance is granted to file affidavit in reply. Ld. P.O. states that he will file it within

S.O. four weeks.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 414/2017.

Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.

Heard Shri N.R. Saboo, the learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for respondents.

The controversy which we have been able to understand appears to be that the Government has decided to create a new Commissionerate called %Soil and Water Conservation Commissionerate+ out of Commissioner of Agriculture. The Agriculture workers (Krishi Sevaks) and Agriculture Supervisors, amongst others are given option to opt for the newly created Commissionerate. The applicantsqclaim is that, they are still working as Agriculture Assistants in the Commissionerate of Agriculture while some of their juniors have been given ad hoc promotions to the post of Agriculture Supervisors. They are given promotion while the applicantsqclaim that they are junior to them. It is also an admitted fact that the seniority list of Agriculture Workers and Agriculture Supervisors were maintained Division-wise by the respective Joint Directors of Agriculture. The applicants are

seeking interim relief of not allowing the persons who were promoted on *ad hoc* basis as Agriculture Supervisors to be absorbed as Agriculture Supervisors in the newly created Commissionerate. We are not at all convinced by the reasonableness of the interim relief sought by the applicants. The issues involved are complex involving seniority in different Divisions and methodology being adopted while creating new Commissionerate. Unless all the parties in the dispute are heard, it will not be possible for us to take a view in this matter. Request for interim relief is rejected.

The respondents are directed to file affidavit in reply within **four weeks**.

S.O. four weeks.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 547/2006.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

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

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 457/2007.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

Shri V.G. Bhamburkar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for respondents.

This matter was kept for hearing on 3rd July 2017. At the request of the applicant in person, matter was kept today i.e. 7.7.2017. Today, the Ld. counsel for the applicant claims that he does not have case papers and they are with his client. At his request, O.A. was placed today for final hearing. But his client is not present. Matter was placed for final hearing today and if the Ld. counsel for the applicant is not in a position to argue the matter, we are closing the matter after hearing the Ld. P.O.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

O.A. No. 41/2016.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

Heard Shri N.B. Rathod, the Ld. counsel
for the applicant and Shri P.N. Warjekar,, the
learned P.O. for respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 820/2015.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

C.A.290/2017

Heard Shri N.D. Thombre, the Ld. counsel
for the applicant and Shri H.K.Pande, the
learned P.O. for respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

O.A. No. 146/2008.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

Heard Smt. S.W. Deshpande, the Ld. counsel for the applicant and Shri P.N. Warjekar,, the learned P.O. for respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 244/2013.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

Heard Dr. (Mrs.) R.S. Sirpurkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for respondents 1 to 3. None for R.4.

2. It appears that this Tribunal has disposed of this O.A. vide order dated 22.4.2014, thinking that it was not necessary to consider the affidavit of MPSC. However, now in the light of the judgment of the Hon^{ble} High Court dated 13th July 2016 in W.P. No. 2116/2015. It appears that it will be necessary to have affidavit in reply of the MPSC specially on the point of column ~~%post+~~ in the Application form and how it has been treated by them. Claim of the applicant is that there is no column for experience as an Advocate or lawyer in the application form and accordingly her experience could not be correctly reflected in the application form. How the other applicants have reflected their experience as Advocate in the application form will be a relevant factor. The MPSC may, therefore, file their affidavit in reply covering all the issues raised in the O.A. and

covering the aforesaid point mentioned in this order. Copies of application form of some selected candidates may also be appended with the affidavit in reply.

S.O. **four weeks.**

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 317/2014 & 426/2014.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

Heard Shri P.D. Meghe, the Ld. counsel
for the applicants and Shri P.N. Warjekar, the
learned P.O. for the respondents.

Closed for orders.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

O.A. No. 282/2013.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 7th July 2017.**

Heard Shri S.P. Palshikar, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

In this O.A., order 1.3.2007 which is relied on by the applicant was passed by the Public Works Department (P.W.D.). Similarly, order withdrawing benefits given by order dated 1.3.2007 was also passed by P.W.D. It is seen that the affidavit in reply has been filed on behalf of respondent Nos. 2 and 3 i.e. Forest Department and no reply is filed by on behalf of P.W.D., while both the relevant orders are passed by P.W.D. It is, therefore, necessary to have a reply from respondent No.1 i.e. the Secretary, P.W.D.. The Ld. P.O. stated that the affidavit in reply from the Secretary, P.W.D. will be filed within a period of four weeks.

S.O. four weeks.

Vice-Chairman (J)

Vice-Chairman (A)

O.A. No. 351/2015.

**Coram: Shri Rajiv Agarwal,
Vice-Chairman (A) and
Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 7th July 2017.

Heard Shri N.S. Khandewale, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents 1 and 2. None for R.3.

2. The case of the applicant is that, he was selected through M.P.S.C. to Maharashtra Development Service (M.D.S.), Group-A in the year 2001. At that time, he was facing a criminal case while working as Sales Tax Inspector in that department. As a result, he was not allowed to join M.D.S., Group-A alongwith his colleagues who were allowed to join. Ultimately after he approached the High Court twice, criminal case pending against him was expedited and in that case he was acquitted. He was thereafter allowed to join to M.D.S., Group-A in the year 2008 and he actually had joined on 9.7.2008. The applicant has made various representations to the State Government that he was acquitted in the criminal case filed against him by the Anti Corruption Bureau and his suspension period as Sales Tax Inspector was treated as period spent

on duty. Considering all these facts and the fact that he was not at fault for not being able to join alongwith his colleagues who were selected in the same Selection Board of MPSC, he should be given deemed date of appointment in M.D.S., Group-A on the basis of which the persons junior to him in the selection list was appointed to the cadre as per merit in the selection list. He relied upon Rule 8 of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982 (in short ~~Regulation of Seniority Rules~~) which empowers the State Government to relax any of these rules in certain cases in which undue hardship is likely to be caused to the Government servant.

3. The learned P.O. opposed grant of any relief to the applicant. He maintained that the applicant is not entitled to any prior date of deemed date of appointment other than the date on which he actually joined as per Rule 4 of the Regulation of Seniority Rules, his seniority can be counted only based on his continuous service in M.D.S., Group-A

4. We find that the applicant has filed various representations before the State Government. One of the representations dated 15.4.2015 is at Annexure A-20 of the O.A. The learned counsel for the applicant states that no decision has been taken by the Government on the aforesaid representation. We, therefore, direct the State Government i.e. respondent No.1 to take a decision on the representation filed by

the applicant which is pending before it within a period of **three months** from the date of this order and communicate the same to the applicant. The O.A., therefore, stands disposed of accordingly with no order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

Pdg

