

**O.A. No. 177/2011.**

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

**Dated : 3<sup>rd</sup> April 2017.**

Shri S.M. Khan, Adv. holding for Shri P.C. Marpakwar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for respondents 1, 2 & 4. None for R.3 and 5 to 9.

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-Chairman(J)

pdg..

**O.A. No.176 /2010.**

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

**Dated : 3<sup>rd</sup> April 2017.**

Shri M.B. Agasti, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for respondents.

At the request of the learned counsel for the applicant, S.O. **one week.**

Vice-Chairman(J)

pdg..

**O.A. No. 837/2015.**

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

**Dated : 3<sup>rd</sup> April 2017.**

Heard R.D. Hajare, Adv. holding for Shri M.M. Sudame, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for respondents 1 and 2. None for R. 3 to 7.

2. The learned counsel for the applicant seeks permission to serve respondent No.6 through R.P.A.D. Permission is granted.

3. Issue notice to R.6 returnable **after four weeks.**

4. Shri V.A. Kulkarni, the learned P.O. waives notice for respondents 1 and 2. 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.

S.O. **four weeks.**

Vice-Chairman(J)

pdg..

**O.A. No. 123/2016.**

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

**Dated : 3<sup>rd</sup> April 2017.**

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondents.

Ld. P.O. has filed affidavit in reply on behalf of R.4, it is taken on record. Ld. P.O. submits that there is no need to file reply on behalf of other respondents.

S.O. **four weeks** for filing rejoinder, if necessary.

Vice-Chairman(J)

pdg..

**O.A. No. 480/2016.**

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

**Dated : 3<sup>rd</sup> April 2017.**

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

As pleadings are complete, O.A. is admitted and kept for final hearing before the regular D.B. when available.

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

Vice-Chairman(J)

pdg..

**O.A. No. 700/2016.**

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

**Dated : 3<sup>rd</sup> April 2017.**

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

The Ld. counsel for the applicant seeks time to file rejoinder.

As pleadings are complete, O.A. is admitted and kept for final hearing before the regular D.B. when available.

Shri A.M. Khadatkar, the learned P.O. waives notice for all the respondents.

Vice-Chairman(J)

pdg..

**O.A. No. 35/2017.**

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

**Dated : 3<sup>rd</sup> April 2017.**

**C.A. No.106/2017.**

Heard Shri S.M. Pande, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent No.1. Shri Anoopkumar Parihar, Adv. for R.2.

2. The Ld. counsel for the applicant has filed amendment application vide C.A.No.106/2017.

3. Issue notice on the said C.A. returnable after **four weeks.**

4. Shri A.P. Potnis, the learned P.O. waives notice for 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 C.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.

Vice-Chairman(J)

pdg..

**O.A. No. 150/2016.**

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

**Dated : 3<sup>rd</sup> April 2017.**

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos.1 & 2. Shri R.V. Shiralkar, Adv. for R.3. None for R. 4 to 10.

The Ld. counsel for the applicant seeks time to file rejoinder affidavit.

**S.O.one week.**

Vice-Chairman(J)

pdg..

**O.A. No.737 /2016.**

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

**Dated : 3<sup>rd</sup> April 2017.**

None for the applicant. Smt. M.A. Barabde, the learned P.O. for the respondents.

**S.O. four weeks.**

Vice-Chairman(J)

pdg..

**O.A. No.115 /2017.**

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

**Dated : 3<sup>rd</sup> April 2017.**

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

**S.O. one week.**

Vice-Chairman(J)

pdg.

O.A.175/2010

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

**Dated : 03.04.2017.**

None for the applicant.

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

The matter is of the year 2010, hence,  
S.O. **5-4-2017**.

**Vice Chairman (J)**

dnk.

O.A.30/2017

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

**Dated : 03.04.2017.**

None for the applicant.

Shri S.A. Deo, Id. C.P.O. for the  
respondents.

**S.O. 7-4-2017** for necessary orders.

**Vice Chairman (J)**

dnk.

O.A.844/2012

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

**Dated : 03.04.2017.**

Shri P.V. Thakre, Id. counsel holding for  
Shri M.V. Mohokar, Id. counsel for the applicant,  
Smt. M.A. Barabde, Id. P.O. for R-1,2&4 and  
Ms. R.V. Kamble, Id. counsel holding for Shri  
D.M. Kale, Id. counsel for R-3.

At the request of Id. counsel for the  
applicant, **S.O. 5-4-2017 for dismissal.**

**Vice Chairman (J)**

dnk.

O.A.833/2012

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

**Dated : 03.04.2017.**

Shri A.L. Kawalkar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1,1-a & 2. None for R-3&4.

At the request of Id. P.O., **S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.462/2012



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

**Dated : 03.04.2017.**

None for the applicant.

Smt. S.V. Kolhe, Id. P.O. for the  
respondents.

**S.O. 7-4-2017 for dismissal.**

**Vice Chairman (J)**

dnk.

O.A.853/2011

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

**Dated : 03.04.2017.**

Shri S.S. More, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

**S.O. 5-4-2017.**

**Vice Chairman (J)**

dnk.

O.A.323/2016

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

**Dated : 03.04.2017.**

Ms. Tiwari, Id. counsel holding for Shri  
A.S. Tiwari, Id. counsel for the applicant and  
Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the  
applicant, **S.O. 5-4-2017.**

**Vice Chairman (J)**

dnk.

O.A.183/2017

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

**Vice-Chairman (J).**

**Dated : 03.04.2017.**

Shri Satyendra Singh, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

At the request of Id. counsel for the applicant, **S.O. 10-04-2017.**

**Vice Chairman (J)**

dnk.

O.A.114/2017

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

**Dated : 03.04.2017.**

Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.

O.A.97/2017

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

**Dated : 03.04.2017.**

Heard Shri S.S. Shingane, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

2. The applicant has prayed a direction to the respondents to consider and allow the representation dated 5/1/2017 made by the applicant in view of the G.R. dated 6/8/2002 and to further direct the respondents to transfer the applicant at the places as mentioned in the said representation.

3. The learned P.O. has placed on record a communication dated 1/4/2017. The copy of the same is taken on record marked %Exh.X+ for the purpose of identification. By the said communication the State has stated that the representation of the applicant will be considered at the time of general annual of transfers of 2017. In view thereof, the application can be disposed of.

4. The learned counsel for the applicant however submits that he will take instructions in this regard. Therefore matter be kept on Friday.

**S.O. 7/4/2017.**

**Vice Chairman (J)**

dnk.

O.A.93/2017

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

**Dated : 03.04.2017.**

Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of respondent no.3 It is taken on record. Copy is served to the Id. counsel for the applicant.

**S.O. Next week.**

**Vice Chairman (J)**

dnk.

O.A.801/2016

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

**Dated : 03.04.2017.**

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

**S.O. 7/4/2017.**

**Vice Chairman (J)**

dnk.



O.A.728/2016

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

**Dated : 03.04.2017.**

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respts.

The learned P.O. files reply on behalf of R-2&4. It is taken on record Copy is served to the Id. counsel for the applicant.

The matter is admitted and be kept alongwith other similar matters i.e., O.A.Nos. 578/16, 613/16,677/16 & 729/16.

The learned P.O. waives notice for the respondents.

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.Nos. 578,613,677 & 729 of 2016

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

**Dated : 03.04.2017.**

Shri P.P. Khaparde, Id .counsel for the applicants and Smt. M.A. Barabde, Id. P.O. for the respondents.

**S.O. one week** along with  
O.A.No.728/2016.

**Vice Chairman (J)**

dnk.

O.A.775/2016

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

**Dated : 03.04.2017.**

Shri A.P. Tathod, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 and Shri S.S. Godbole, Id. counsel for R-2&3.

The learned counsel for R-2&3 submits that he will file pursis adopting the reply filed by the respondents / state. He is permitted to do so. Since the pleadings are complete, the matter is admitted and will be heard on merit.

Learned P.O. as well as Id. counsel for R-2&3 waives respective notices.

**S.O. 5-4-2017.**

**Vice Chairman (J)**

dnk.

O.A. 84/2016

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

**Dated : 03.04.2017.**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.

O.A. 128/2017

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

**Dated : 03.04.2017.**

Shri P.A. Tehi, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1. Await service of R-2 to 5.

The learned counsel for the applicant seeks further time to submit service report on behalf of R-2 to 5.

At his request ,**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 222/2016

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

**Dated : 03.04.2017.**

None for the applicant.

Shri A.P. Potnis ,Id. P.O. for the  
respondents.

The Id. P.O. seeks further time to file  
additional reply. At his request, **S.O. two  
weeks.**

**Vice Chairman (J)**

dnk.

O.A. St. No.48/2017

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

**Dated : 03.04.2017.**

**C.A.07/2017**

Shri P.V. Thakre, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

**S.O. two weeks** for filing rejoinder, if necessary

**Vice Chairman (J)**

dnk.

O.A. 05/2017 with C.A.11/2007

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

**Dated : 03.04.2017.**

Shri R.R. Pimpalkhute, Id. counsel for the applicant, S.A.Sainis, Id. P.O. for R-1 to 4 and Shri A.P. Tathod, Id. counsel for R-4.

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

**Vice Chairman (J)**

dnk.

O.A. 755/2016



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

**Dated : 03.04.2017.**

Heard Shri A.D. Dangore, Id. counsel for  
the applicant, S.A. Sainis, Id. P.O. for R-1 to 3  
and Shri A.P. Tathod, Id. counsel for R-4.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 593/2016

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

**Dated : 03.04.2017.**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

The learned counsel for the applicant submits that he is producing acknowledgement of receipt in respect of notice of newly added respondent no.5 in the office. The respondent no.5 has been duly served. Nobody appeared for R-5. It can be heard on merit. The Registrar to verify whether notices were served or not.

At the request of Id. counsel for parties,

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A. 713/2015

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

**Dated : 03.04.2017.**

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2, Shri N.R. Saboo, Id. counsel for R-3 and Shri N.S. Warulkar, Id. counsel for R-4.

At the request of learned counsel for R-3,

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 763/2013

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

**Dated : 03.04.2017.**

Shri R.V. Shiralkar, Id. counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1 and Shri P.V. Thakre, Id. counsel for R-2&3.

After hearing the matter on both the sides, Shri Thakre, Id. counsel for R-2&3 submits that he has to take instructions of the rejoinder filed by the applicant on the Competent authority and therefore he seeks one week's time to take instructions. At his request **,S.O. one week. (P.H.)**

**Vice Chairman (J)**

dnk.

O.A. 241/2013

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

**Dated : 03.04.2017.**

**C.A.97/2017**

Heard Shri V.R. Deshpande, Id. counsel holding for Shri S.V. Sirpurkar, Id. counsel for

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

2. The applicant has filed departmental appeal against the impugned order and during the pendency of this appeal, this application. The said appeal came to be disposed of in view thereof the applicant wants to challenge the order passed by the Appellate Authority by amending this O.A. The amendment is the result of subsequent event and it will not change the nature of litigation in O.A. The respondents will get an opportunity to file reply to the amended O.A. In view thereof, the application for amendment is allowed in the nature of equity. The applicant is directed to supply the copy of amended O.A. the other side. The learned respondents to file reply within four weeks. The C.A. stands disposed of accordingly.

**O.A.241/2013 .**

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 286/2016

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

**Dated : 03.04.2017.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. In the O.A. the applicant has prayed the reliefs as under :-

*“ii) Be pleased to direct the respondent no.1, i.e., the Secretary of Home Department,*

*Mumbai to regularize the period from 17/04/1983 to 28/04/1992 as a duty period and pay the arrears for the said period and other consequential benefits.*

*iii) Be pleased to direct respondent no.3 after considering the period from 17/04/1983 to 28/04/1992 as a duty period be pleased to fix the seniority and on that basis grant the deemed date of promotion.*

*iv) Further be pleased to direct to respondent no.3 i.e. the Commissioner of Police, Amravati to release the pensionary benefits which was withheld by the respondents and also direct the respondents to release the regular pension immediately”.*

3. The learned P.O. placed on record one communication dated 24/03/2017. It is taken on record and marked Xq for identification. From the said communication, it seems that the respondents has rejected the applicant's request for regularization of pay for the period from 17/04/1983 to 28/04/1992. The learned counsel for the applicant submits that since the State has taken decision not to regularize the said period, he may be allowed to file separate the O.A. for the said purpose and so also consequent action as prayed in clause (iii) above.

4. So far as for grant of pension / pensionary benefits is concerned, the learned

counsel for the applicant submits even if said period is not regularized, the applicant is entitled to claim pension / pensionary benefits and therefore directions may be issued to the respondent authorities to consider his pension case within a time frame, without prejudice to his right of regularization and the application be disposed of

accordingly. In view thereof, the following order :-

The O.A. stands disposed of with following directions :-

(i) The respondent no.3 is directed to consider the case of the applicant for release of pensionary benefits which were withheld by the respondents, if the applicant is otherwise eligible for the pensionary benefits. Necessary decision in this regard be taken within three months from the date of receipt of this order. The applicant will be at liberty to file separate O.A. regarding the order of rejection of regularization period from 17/04/1983 to 28/04/1992. No order as to costs.

**Vice Chairman (J)**

dnk.



O.A. 184/2017 (D.B.)

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

**Dated : 03.04.2017.**

Heard Shri A.B. Moon, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

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

8. **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 790/2016 (D.B.)

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

**Dated : 03.04.2017.**

Heard Shri A.P. Tathod, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. None for R-2.

2. This O.A. is being disposed of with the consent of Id. counsel for parties. The applicant has claimed declaration that inaction on the part of respondent no.1 not taking review of the seniority list of the post of Executive Engineer is totally illegal, arbitrary and contrary to the provision of the rules of Maharashtra Civil Services (Regularisation of Seniority) Rules,1982. He is also claiming direction to respondent no.2 to correct the seniority list by placing the applicant at proper place and to grant deemed date of promotion to the applicant with all consequential benefits. The reply has already been filed by respondent no.1 and 2. In the affidavit-in-reply of respondent no.1 in para-5, it is stated as under :-

*"It is submitted that now the General Administration Department has advised to review the select lists of the Executive Engineer (Mechanical) cadre for the period w.e.f. 2005-2006 to 2007-2008. Accordingly, a proposal of*

*the select of the Executive Engineer (Mechanical) cadre for the period w.e.f. 2005-2006 to 2013-2014 has been submitted to the General Administration Department. It is further submitted that after following due Administrative procedure for obtaining approval to the revised seniority list, the same will be published in due course of time. As such, the grievance of the applicants to review the select list of 2007-2008 is being redressed.+*

3. In view of the aforesaid submission by respondent no.1, the application stands disposed of with a direction to the respondents to review the select list of Executive Engineers (Mechanical) cadre from the period from 2005-2006 to 2007-2008 and necessary approval shall be obtained and the seniority list be published within 10 weeks from the date of receipt of this order. In view of the said seniority list, consequential relief be granted to the applicant if he is entitled to. No order as to costs.

Steno copy be supplied to the Id. P.O.

**Vice Chairman (J)**

dnk.

