

O.A. No. 255/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Shri H.D. Futane, Id. counsel holding for Shri G.N. Khanzode, Id. counsel for the applicant and Shri A.M. Ghogre, Id. for the respondents.

The Id. P.O. files reply on behalf of R-4. It is taken on record. Copy is served on the applicant.

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A.191/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

C.A. No. 40/2019 -

Heard Shri H.D. Futane, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

O.A.191/2019 –

The learned P.O. files reply on behalf of R-3&4. It is taken on record. Copy is served on the applicant. The learned counsel for the applicant desires to file rejoinder and for that purpose he seeks time. At his request, **S.O. three weeks.**

Member (J)

Member (A)

dnk.

C.P. 32/17 in O.A. No. 75/2016 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri S.M. Bhagde, Id. counsel for R-4.

The learned counsel for R-4 submits that he has submitted necessary documents to the Accountant General office for necessary action and some time is required for the same and for that purpose he seeks further time. At his request, **S.O. four weeks.**

Member (J)

Member (A)

dnk.

C.P. 33/17 in O.A. No. 42/16 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri S.M. Bhagde, Id. counsel for R-4.

The learned counsel for R-4 submits that he has submitted necessary documents to the Accountant General office for necessary action and some time is required for the same and for that purpose he seeks further time. At his request, **S.O. four weeks.**

Member (J)

Member (A)

dnk.

C.P. 17/18 in O.A. No. 673/13 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

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

2. The learned P.O. has submitted the documents along with letter no.dfy@r-vkLFkk@dkfo@68@2019, dated 05/02/2019 issued by the Tahsildar, Ghatanji along with internal page no.4., in which there is counter file of the State Bank of India by which it is seen that an amount of Rs.35,745/- has been deposited to the applicant's account. In view of this, the Contempt Petition stands disposed of with no order as to costs.

Member (J)

Member (A)

dnk.

C.P. 44/18 in O.A. No. 49/2005 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

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

The learned P.O. submits that the papers of revised pension have been submitted to the A.G. office and within two weeks revised pension will be paid to the applicant. In view of this, **S.O. two weeks.**

Member (J)

Member (A)

dnk.

C.P. 03/19 in O.A. No. 532/17 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri Vipul Bhise, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. Issue Notice to the respondent Nos. 2 to 4 returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri M.I. Khan, the learned P.O. waives notice for respondent No.1. Hamdast granted.

4. S.O. **four weeks**.

Member (J)

Member (A)

dnk.

Rev.A.14/19 in O.A. No. 491/18 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

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

The learned counsel for the applicant has filed Review Application in the order dated 18/01/2019. It seems that in para-4 of the said order necessary direction has been given. In view thereof, Review Application is not tenable and

therefore it is disposed of. No order as to costs.

Member (J)

Member (A)

dnk.

O.A. No. 164/2018 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri Ramtirth, Id. counsel holding for Shri O.Y. Kashid, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned counsel for the applicant seeks further time. However, the learned P.O. submits that since the pleadings are complete, the matter may be admitted and be kept for final hearing.

In view thereof, the matter is admitted and be kept for final hearing.

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

S.O. in due course.

Member (J)

Member (A)

dnk.

O.A. No. 186/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri Ramtirth, Id. counsel holding for Shri O.Y. Kashid, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 22/02/2019.**

Member (J)

Member (A)

dnk.

O.A. Nos. 876,946,165 & 66 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Shri M.M. Sudame, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned counsel for the applicants submits that Dr.B.R. Kate is no more now and his L.Rs. are not interested in prosecuting the case. However, the learned counsel for the applicant is directed to file on record pursis along with

necessary documents to that effect on the next date.

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A. No. 606/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

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

It seems that earlier on 6/2/2019 none appeared for the applicant. Today also none appeared for the applicant.

Hence, the O.A. stands dismissed in default.

Member (J)

Member (A)

dnk.

O.A. No. 861/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

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

S.O. 08/02/2019.

Member (J)

Member (A)

dnk.

O.A. No. 865/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

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

It seems that earlier on 23/1/2019 and 6/2/2019 none appeared for the applicant. Today also none appeared for the applicant.

Hence, the O.A. stands dismissed in default.

Member (J)

Member (A)

dnk.

O.A. No. 961/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Shri J.R. Kidilay, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned counsel for the applicant has placed on record G.R. I d h. 3317@i 1 d i 210@0; f' k&3] dated 08/05/2018. It is taken on record and copy is given to the Id. P.O.

S.O. eight weeks till decision of the committee.

Member (J)

Member (A)

dnk.

C.P. 03/19 in O.A. No. 532/17 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri Vipul Bhise, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. Issue Notice to the respondent Nos. 2 to 4 returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri M.I. Khan, the learned P.O. waives notice for respondent No.1. Hamdast granted.

4. S.O. **four weeks**.

Member (J)

Member (A)

dnk.

O.A. No. 752/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

None for the applicant. Shri H.K. Pande, Id. P.O. for the respondents.

It seems that earlier on 19/09/2016 and 6/2/2019 none appeared for the applicant. Today also none appeared for the applicant.

Hence, the O.A. stands dismissed in default.

Member (J)

Member (A)

dnk.

O.A. Nos. 660/15,661/15,717/15,837/15
and 539/17 with C.A. 237/18 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri M.M. Sudame, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents.

2. The Id. P.O. files in O.A.539/17 sur-rejoinder affidavit in reply on behalf of R-1. It is taken on record.

3. The learned counsel for the applicants has placed on record in O.A.539/17 G.R.No. 1118@iZdZ 39@16&v]dated 19/12/2018. In which he has pointed out para-v on second page which is different than para- v as per the G.R. No. , I vIj0gh 1012@iZdZ16@12@16&v, dated 13/08/2014 at P.B. page nos.149 to 151 (both inclusive).

4. The learned counsel for the applicants submits that though the G.R. has been issued on 19/12/2018 and on

page no.2 it is specifically written that it will be come into implementation from prospective date. His pleading is that there were various judgments of the Court before that, that should be also taken into consideration.

The matters are closed for orders.

Member (J)

Member (A)

dnk.

Dtd. 7/2/2019.

O.A. Nos. 683/15 & 87/17 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Shri M.M. Sudame, Id .counsel for
the applicants and Shri A.M. Ghogre, Id.
P.O. for the respondents.

S.O. two weeks.

Member (J)

Member (A)

dnk.

O.A. No. 82/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

C.A. 50/2019 -

Heard Shri Joshi, Id.counsel holding for Shri P.S. Wathore, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. While passing the order on 6/2/2019 this Bench has already considered the grievance of the applicant and directed the MPSC either not to declare the result and if it is declared, to keep one post vacant for the applicant subject to outcome of the O.A.

3. In view of this, it is not necessary to issue any more direction at this stage. However, it is directed that the MPSC shall produce before this Bench the special reasons of the expert Committee why the experience certificates of the applicant were not accepted.

4. In view of this, the C.A. stands disposed of.

Steno copy is granted.

Member (J)

Member (A)

dnk.

Dated – 6/2/2019

C.P. 47/18 in O.A. No. 92/09 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri S. Khandekar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. In O.A.92/2009 the order was passed on 10/03/2017. As per para-7 ***“as a result, letter dated 15/09/2008 from the respondent no.1 to the applicants is quashed and set aside. The respondents are directed to consider the case of the applicants for fixing their pay scale at par with that of Dieticians in the 5th Pay Commission and consequently in the 6th Pay Commission. Thus O.A. is allowed accordingly with no order as to costs.”***

3. As per above order, the applicant's pay scale was to be fixed as per the 5th Pay Commission that of Dieticians. Once pay is fixed as per 5th Pay Commission consequently the pay scale will be fixed

accordingly as per 6th Pay Commission also.

4. The learned P.O. submits that the matter has been referred as per the G.R.No. osij&1216@izdz58@l ok&9 17/07/2017 (Exh-B, P-78). The para-6 of the said G.R. is as follows -

^%6½ I gk0; k oru vk; ksxp; k vuqlakus eatij
dsy; k I qkkfjr oru jpushy =v/hps fuokj.k
; ki whp oru=v/h fuokj.k I fertP; k ek/; ekru
dj.; kr vkys vkgs rFkfi] , [kn; k foHkxkrhy
I oxkckcr v?kkih =v/h jkfyh vl Y; kl] I nj
=v/hps ifj{k.k d#u I qkkfjr oruJskhph f'kQkjI
dj.k**

5. However, we fail to understand that as per the MAT order which has not been challenged in the Hon'ble High Court. The respondents are supposed to fix the pay scale of the applicant in the 5th Pay Commission, there is no question of sending to the Anomaly Pay Committee. This action is just to avoid decision making process. Which is totally unjust and contrary to spirit of the Judgment.

6. In view of these facts, the respondents are specifically directed to fix pay scale of the applicant as per 5th Pay

Commission and consequently it will be taken in the 6th Pay Commission. The said order be communicated to the applicant within four weeks from the date of this order.

7. **S.O. four weeks.**

Steno copy is granted.

Member (J)

Member (A)

dnk.

O.A. No. 638/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.02.2019

Heard Shri R. Joshi, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&3 and Shri A.R. Fule, Id. counsel for R-2.

2. It is contention of the applicant that after his retirement from the service the charge sheet is served on him in relation to the recruitment process held in April,2013. It is submitted that as per Rule-14 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, the applicant was on deputation and he retired under control of the Zilla Parishad. It is submitted that the proposal for the departmental inquiry ought to have been initiated as per Rule-14 of the said rules and it should have been forwarded to the Government i.e. the parent employer of the applicant. It is submitted that the charge sheet issued on 16/05/2017

issued by the Dy. Secretary, Government of Maharashtra has violated Rule-14 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The second submission of the applicant is that as per Rule-27 of the Maharashtra Civil Services (Pension) Rules after retirement of the employee from the service the departmental inquiry can be initiated within a period of four years from the date of misconduct and the issuance of the charge sheet. It is submitted that as the charge sheet issued on 16/05/2017 is after expiry of four years from the alleged date of misconduct, therefore, the inquiry is illegal.

3. After perusing the record and after hearing the learned P.O., it appears that exact date of completion of the recruitment proceeding is nowhere mentioned, therefore, we think it necessary to issue necessary direction to the learned P.O. The learned P.O. is directed to take necessary instructions as to when the final result of the recruitment proceeding was published.

S.O. three weeks.

Member (J)

Member (A)

dnk.

O.A. No.240/2017.

(S.B.)

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

Dated : 7th February 2019.

Shri N.B. Rathod, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 & 2. None for R.3 and 4.

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

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.756/2015.

(S.B.)

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

Dated : 7th February 2019.

Shri R.S. Suryavanshi, the
Ld. counsel for the applicant and
Shri P.N. Warjekar, the learned
P.O. for the respondents.

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

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.649/2017.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

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

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.880/2018.

(S.B.)

(B.S.Barhate V/s State of Mah.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)

Dated : 7th February 2019.

Oral order

Heard Shri Bharat Kulkarni, the Ld.
counsel for the applicant and Shri

A.P.Potnis, the learned P.O. for the respondents.

2. The Ld. P.O. has filed on record reply of respondent No.1, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

3. The applicant has challenged the order dated 3.11.2018 issued by respondent No.1 whereby the applicant who is District Superintending Agriculture Officer at Gondia, has been kept under suspension. It is stated that, though the suspension order is dated 3.11.2018, no chargesheet has been filed till today and, therefore, as per the judgment reported in **O.A. No.35/2018 delivered by Principal Seat of this Tribunal at Mumbai on 11.9.2018 in case of Dilip Jagannath Ambilwade V/s State of Maharashtra and others**, continuation of suspension beyond 90 days is disregarded. In the said O.A., it was directed that the applicant shall be deemed to have been reinstated after completion of 90 days of actual suspension. The Ld. counsel for the applicant also submits that the applicant has filed representation on 9.1.2019, a copy of which is placed on

record today and is marked "X" for identification. But no decision has yet been taken on the said representation. Admittedly, the applicant has not filed an appeal against the order of suspension. In fact, he should have exhausted alternate remedy to file an appeal. However, since the applicant has filed representation, the same can also be treated as an appeal by the respondent authorities. Admittedly, there are number of circulars issued in the field whereby it has been stated that the Govt. authorities shall reconsider the cases of employees under suspension frequently. In view of this, the O.A. can be disposed of if directions are issued to the respondents to take steps to reconsider the question of revocation of suspension as per its own merits.

4. In the reply affidavit, it is stated that the applicant is being charged in the departmental enquiry shortly and allegations against the applicant are very grave in nature, since he is involved in misappropriation of the amount of Rs.1,29,60,000/-. However, his issue can be considered by the competent

committee or the appellate authority, as the case may be, while considering the case for revocation of suspension. In view of this, I proceed to pass the following order:-

ORDER

- (i) The O.A. stands disposed of with direction to respondent No.1 to consider the representation filed by the applicant on 9.1.2019 (Annexure "X") as per its own merits.
- (ii) Necessary decision may be taken in view of judgment in case of **Arun Kumar Choudhari V/s Union of India reported in (2015) 7 SCC 291 and in O.A. No.35/2018 in case of Dilip Jagannath Ambilwade V/s State of Maharashtra and others,** and as per merits of the case within a period of

two months from the date of
this order.

- (iii) No order as to costs.
- (iv) Steno copies be provided to
both parties.

Vice-Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.839/2018.

(S.B.)

(R.P. Landekar V/s State of Mah.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Oral order

Heard Shri S.P. Palshikar, the
Ld. counsel for the applicant and
Shri V.A. Kulkarni, the learned P.O.
for the respondents.

2. The applicant, who is a Chief
Engineer in Water Resources
Department at Amravati, has been
transferred on the post of Chief
Engineer-cum-Joint Secretary in
Mantralaya, Mumbai vide impugned
order dated 1.10.2018. The said
impugned order has been
challenged on the ground that the
applicant was not due for transfer
and the impugned transfer order is
mid-term and mid-tenure. The
second ground for objection is that,
the applicant is due for retirement

on superannuation on 30th June 2019, i.e., within four months and, therefore, the applicant should not have been transferred. In reply affidavit, the respondents admitted that the transfer is mid-term and mid-tenure. But it is stated that due to administrative difficulty, the applicant was transferred and for which due sanction has been obtained from the Civil Services Board as well as the highest authority i.e. the Hon'ble the Chief Minister. The respondent has also placed on record minutes of the meeting.

3. The applicant has filed rejoinder and submitted that his date of birth has been wrongly mentioned in the minutes of the meeting. Same should have been 25.6.1961 instead of 25.6.1963. It is stated that the post where the applicant has been transferred is

vacant since 1.11.2017 and, therefore, there was no urgent need to consider the applicant for such transfer. Today the Ld. P.O. has also filed return on behalf of respondent Nos. 1 to 4, though in fact, the respondent is only one and it is admitted that there was a typing mistake in the date of birth of the applicant. Thus admittedly, the date of birth of the applicant is 25.6.1961 and he is due for retirement on 30th June 2019, i.e. within four months and some days.

4. The Ld. counsel for the applicant submits that even an employee who is due for transfer, can claim extension at the post, if he has less than one year of tenure for his retirement as per Section 5 (1) (a) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act,

2005 (hereinafter referred to as the "Transfer Act of 2005"). In this case, admittedly, the applicant is due for retirement after four to five months from today and admittedly he has not completed his tenure at Amravati and, therefore, he was not due for transfer.

5. So far as administrative exigency is concerned, in the minutes of the meeting, it is stated that the post of Joint Secretary is vacant from 1.11.2017 and considering the need of administration, it is necessary to fill up that post. In the remark column, it is mentioned as to which administrative work is to be performed and how the applicant is eligible for handling such work. Accepting the fact that the post of Chief Engineer-cum-Joint Secretary in Mantralaya, Mumbai is important, admittedly no steps have been

taken to fill up that post in the Annual General Transfers of 2018 and at least from 1.11.2017 till the impugned order was passed. Even if it is accepted that the said post is important, the applicant may serve there for four months also, since he is due for retirement on 30th June 2019. Considering all these facts, it is clear that the Civil Services Board has not considered all these aspects and has recommended the name of the applicant for transfer. Thus, there seems to be no application of mind in issuing the order of transfer of the applicant, which is admittedly mid-term and mid-tenure. Considering the fact that the applicant has been protected by this Tribunal vide order dated 23.10.2018 and is still working at Amravati and also considering the fact that he is due for retirement on 30th June 2019, it will not cause any

prejudice to the respondents, if the applicant continues at Amravati till his retirement. Admittedly the work to be performed by the Chief Engineer-cum-Joint Secretary in Mantralaya where the applicant has been posted, as revealed from the minutes of the meeting and reply affidavit, concerns the Amravati Division only. In view thereof, continuation of the applicant at Amravati will definitely help the respondent authorities. Considering all these aspects, I am satisfied that the impugned order dated 1.10.2018 transferring the applicant at Mantralaya, Mumbai as Chief Engineer-cum-Joint Secretary is illegal, being mid-term and mid-tenure and also in view of the fact that the applicant is going to retire on 30th June 2019. Hence, I proceed to pass the following order:-

ORDER

- (i) The O.A. is allowed in terms of prayer clause 8 (i) and (ii) of the O.A.
- (ii) No order as to costs.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 473/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

Ld. P.O. has filed reply affidavit on behalf of R.4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Ld. P.O. seeks time to file reply of R.1.

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

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

**O.A. No. 545, 546 and 600 of
2018.**

(S.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.**

Shri S.P. Chavan, Adv.
holding for Shri N.D. Thombre, the
Ld. counsel for the applicant and
Shri V.A. Kulkarni, the learned
P.O. for the respondents 1 to 3.
None for R.4.

S.O. one week.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 731/2018.

(S.B.)

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

Dated : 7th February 2019.

Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

The Ld. P.O. files reply on behalf of R.4. A copy of which is supplied to the learned counsel for the applicant.

At the request of the Ld. P.O.,
S.O. **two weeks** for filing reply of R.
1 to 3.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 996/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Shri K. Bhoskar, Adv. holding
for Shri T.U. Tathod, the Ld.
counsel for the applicant and Shri
S.A. Deo, the learned C.P.O. for
the respondents.

At the request of Ld. CPO,
S.O. **four weeks** for filing reply.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 1004/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Heard Miss T. Mahindrekar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. CPO submits that the application is not tenable, since termination of the applicant has reached its finality, as the Hon'ble High Court has dismissed the prayer for reinstatement and maintained termination.

The Ld. counsel for the applicant submits that the matter will be argued by her senior and on her request, S.O. **21.2.2019** on preliminary point of maintainability.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 1005/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Heard Miss T. Mahindrekar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. CPO submits that the application is not tenable, since termination of the applicant has reached its finality, as the Hon'ble High Court has dismissed the prayer for reinstatement and maintained termination. Ld. CPO also submits that the petition is barred by limitation.

The Ld. counsel for the applicant submits that the matter will be argued by her senior and on her request, S.O. **21.2.2019** on preliminary point of maintainability.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 1006/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Heard Miss T. Mahindrekar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. CPO submits that the application is not tenable, since termination of the applicant has reached its finality, as the Hon'ble High Court has dismissed the prayer for reinstatement and maintained termination. Ld. CPO also submits that the petition is barred by limitation.

The Ld. counsel for the applicant submits that the matter will be argued by

her senior and on her request, S.O. **21.2.2019** on preliminary point of maintainability.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 1017/2018.
(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 and 2. None for R. 3 and 4.

S.O. four weeks for filing reply by
Ld. C.P.O.

Chairman(J) Vice-

Dt. 7.2.2019.

pdg.

O.A. No. 11/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondents.

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

S.O. **four weeks** for filing reply.

Interim relief to continue till further orders.

Chairman(J) Vice-

Dt. 7.2.2019.

pdg.

O.A. No. 292/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

Ld. P.O. submits that there is no need to file reply of R. 1 and 2.

Hence the matter is admitted and kept for final hearing after **two weeks.**

Shri H.K. Pande, the learned P.O. waives notice for the respondents.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.514 /2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Heard Shri A.R. Kelele, Adv. holding for Shri P.C. Marpakwar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. C.P.O. submits that after perusal of prayer clause, it is seen that the matter is barred by limitation. As per prayer clause-1, the applicant is claiming scale of grade in the pay scale of Rs. 10000-325-15200 w.e.f. 1.8.2001 which *prima facie* seems to be barred by

limitation, since his application is filed in 2018. The Ld. counsel for the applicant submits that he will seek instructions from his senior as to whether he will file application for condonation of delay or argue to argue the matter on the point of limitation.

S.O. **two weeks.**

Vice-

Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.760 /2014.

(D.B.)

Coram:Shri J.D. Kulkarni
Vice-Chairman (J) and
Shree Bhagwan, Member (A)
Dated : 7th February 2019.

Heard Shri Chavan, Adv. holding for Shri N.D. Thombre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

2. As per order dated 27.8.2018, the Ld. P.O. was requested to place on record affidavit, making some points clear and to take instructions accordingly. Today, the Ld. P.O. has placed on record a short affidavit

on behalf of respondent No.1 alongwith some documents. It is made clear that as on today no post is vacant for ST category. The Ld. counsel for the applicant seeks time to go through the said affidavit and to file rejoinder, if any.

3. Matter, therefore, be placed after two weeks for filing rejoinder, if necessary.

4. it be heard afresh on all points before the regular D.B.

Member (A) Vice-Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No.575/2018.

(S.B.)

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

Dated : 7th February 2019.

Shri A.R.Ingole, the Ld.
counsel for the applicant and Shri

H.K. Pande, the learned P.O. for the respondents 1 to 3. Shri Y. Sonone, Adv. for R.4.

At the request of the Ld. counsel for the applicant, S.O. **one week** for filing rejoinder.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 790/2015.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th February 2019.

Shri A.H. Dhargave, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that he will argue the matter in the next week.

At the request of the Ld. counsel for the applicant, S.O. **11.2.2019** as a most last chance.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 228/2016.

(S.B.)

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

Dated : 7th February 2019.

Shri Manoj Jaiswal, Adv. holding for Shri N.R. Saboo, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2. Shri A.Y. Kapgate, Adv. for R.3.

At the request of parties, S.O. **one week.**

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 422/2018.

(S.B.)

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

Dated : 7th February 2019.

Shri K. Manwatkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

S.O. one week.

Vice-
Chairman(J)

Dt. 7.2.2019.

pdg.

O.A. No. 617/2018.

(S.B.)

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

Dated : 7th February 2019.

Heard Shri Bharat Kulkarni,
the Ld. counsel for the applicant
and Shri A.P. Potnis, the learned
P.O. for the respondents.

At the request of Ld. P.O.,
S.O. **8.2.2019** for taking instructions
as to within how many days enquiry
will be completed.

To be treated as part heard.

Chairman(J) Vice-

Dt. 7.2.2019.

pdg.

